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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1907,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE NINTH DAY OF JANUARY, A. D. 1907.

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OF THE

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA.

SESSION 1907.

PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1907.

CHAPTER 1.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF RALEIGH, IN THE COUNTY OF WAKE AND STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

SECTION 1. That the inhabitants of the city of Raleigh shall be and remain a body politic and corporate, under the name and style of "The City of Raleigh," and under such name and style may adopt a corporate seal, and contract and be contracted with, sue and be sued, plead and be impleaded; acquire by purchase, devise, bequest or other conveyance such real and personal property anywhere within Raleigh Township as may be requisite and necessary for the proper government and needs of the city; hold, invest, improve, use, govern, control and protect, and, under the hand of the Mayor and two Aldermen, attested by the corporate seal, may sell or dispose of the same, and have all the powers, rights and privileges necessary, belonging or usually appertaining to municipal corporations.

Corporate name.
Corporate powers.

Boundaries until July 1, 1907.

SEC. 2. That until the first day of July, one thousand nine hundred and seven, the corporate limits of the city of Raleigh shall be and remain as at present defined, and, until the said day, the territory bounded by and included within the following lines as external boundaries, to-wit: On the north by a line centered upon the center of Union Square and lying two thousand eight hundred and ninety-three and five-tenths feet to the northward thereof, parallel with the true center of Hillsboro Street and New Bern Avenue; on the south by a line centered as aforesaid and lying four thousand three hundred and fifty-one and five-tenths feet to the southward of said center, parallel with said first-described line; and on the east and west by a line parallel with the true center of Fayetteville and Halifax streets, lying three thousand three hundred and seventy-nine and five-tenths feet to the eastward and

westward thereof, respectively, thereby intersecting and closing the extremities of the first and second described lines, shall constitute and be the territorial area of the city of Raleigh; and within twelve months after the ratification of this act the Board of Aldermen shall cause an accurate survey to be made of the exterior boundaries of the city, and it shall be their duty to erect upon each corner and upon every natural elevation intercepting the line of sight from any one corner to the next corners a firm and durable monument of stone, to be maintained by the city and protected from destruction, removal, defacement or other injury by a rigid enforcement of the penalties herein denounced against such crimes: *Provided*, that the tract of land conveyed to the city of Raleigh by R. S. Pullen, Esq., by deed dated March the twenty-second, one thousand eight hundred and eighty-seven, as recorded in book ninety-five, page four hundred and sixty-three, Register of Deeds' office of Wake County, and known as "Pullen Park," and all other territory which may be acquired by the city of Raleigh by purchase or donation or otherwise for park purposes, and the cemetery for the burial of deceased white persons (located northeast of the city of Raleigh), known as "Oakwood Cemetery," and the cemetery for the burial of deceased colored persons (located southeast of the city of Raleigh), known as "Mount Hope Cemetery," and that the tract of land conveyed to the city by D. M. Carter and wife by deed registered in book one hundred and sixty-two at page one hundred and sixty-two in the office of the Register of Deeds of Wake County, and the tract of land conveyed to the city by Laura Carter by deed registered in book one hundred and sixty-one at page four hundred and six in said Register of Deeds' office of Wake County, which tracts of land are owned by the city for the purposes of maintaining a garbage farm and as a site for the smallpox hospital, shall also be included in the corporate limits of the city of Raleigh, and all ordinances now in force or hereafter enacted by the Board of Aldermen of said city shall be applicable to the territory included in said Pullen Park or other parks and in said cemeteries and said tracts of land as fully as if the said territory was embraced within the limits of the city of Raleigh.

Proviso: parks, cemeteries and city farm covered by incorporation.

Ordinances to apply in outlying territory.

City divided into wards.

First ward.

Second ward.

Third ward.

Sec. 3. That said city shall be divided into four wards, with centers of Hargett and Fayetteville streets as intersections, to-wit: the northwest portion of said area included between the centers of Hargett Street on the south and Fayetteville and Halifax streets on the east, and extended to the exterior boundaries, shall be known as the First Ward; the northeast portion of said area included between the centers of Halifax and Fayetteville streets on the west and Hargett Street on the south, and extended to the exterior boundaries, shall be known as the Second Ward; the southeast portion of said area included between the centers of

Hargett Street on the north and Fayetteville Street on the west, and extended to the exterior boundaries, shall be known as the Third Ward; and the remainder of said area between the centers of Hargett Street on the north and Fayetteville Street on the east, and extended to the exterior boundaries, shall be the Fourth Ward. Fourth ward.

Sec. 4. That the wards so laid off shall be divided into eight election districts, as follows: Beginning at a point in the center of Hargett and Fayetteville streets and running west along the center of Hargett Street to the city limits, thence north along the line of the city limits to the center of Jones Street, thence east along the center of Jones Street to the center of Halifax Street, thence south along the center of Halifax and Fayetteville streets to the beginning, and shall be known as the first election district of the First Ward. Beginning at a point in the center of Halifax and Jones streets and running west along center of Jones Street to the city limits, thence north along the line of the city limits to the city limits on the northwest, thence east along the line of the city limits to the center of Halifax Street, thence south along the center of Halifax Street to the beginning, and shall be known as the second election district of the First Ward. Beginning at a point in the center of Hargett and Fayetteville streets and running east along the center of Hargett Street to the city limits, thence north along the line of the city limits to the center of Jones Street, thence west along the center of Jones Street to the center of Halifax Street, thence south along the center of Halifax and Fayetteville streets to the beginning, and shall be known as the first election district of the Second Ward. Beginning at a point in the center of Halifax and Jones streets and running east along the center of Jones Street to the city limits, thence north along the line of the city limits to the city limits on the northeast, thence west along the line of the city limits to the center of Halifax Street to the beginning, and shall be known as the second election district of the Second Ward. Beginning at a point in the center of Hargett and Fayetteville streets and running east along the center of Hargett Street to the city limits, thence south along the line of the city limits to the center of Cabarrus Street, thence west along the center of Cabarrus Street to the center of Fayetteville Street, thence north along the center of Fayetteville Street to the beginning, and shall be known as the first election district of the Third Ward. Beginning at a point in the center of Cabarrus and Fayetteville streets and running east along the center of Cabarrus Street to the city limits, thence south along the line of the city limits to the city limits on the southwest, thence west along the line of the city limits to the center of Fayetteville Street, thence north along the center of Fayetteville Street to the beginning, and shall be known as the second election

Wards divided into election districts.

First district of first ward.

Second district of first ward.

First district of second ward.

Second district of second ward.

First district of third ward.

Second district of third ward.

First district of fourth ward.

district of the Third Ward. Beginning at a point in the center of Hargett and Fayetteville streets and running west along the center of Hargett Street to the city limits, thence south along the line of the city limits to the center of Cabarrus Street, thence east along the center of Cabarrus Street to the center of Fayetteville Street, thence north along the center of Fayetteville Street to the beginning, and shall be known as the first election district of

Second district of fourth ward.

the Fourth Ward. Beginning at a point in the center of Fayetteville and Cabarrus streets and running west along the center of Cabarrus Street to the city limits, thence south along the line of the city limits to the city limits on the Southwest, thence along the line of the city limits to the center of Fayetteville Street, thence north along the center of Fayetteville Street to the beginning, and shall be known as the second election district of the Fourth Ward: *Provided*, that the territory embraced in "Pullen Park" and "Mount Hope Cemetery" shall be and compose a part of the second election district of the Fourth Ward; and the territory embraced in "Oakwood Cemetery" shall be and compose a part of the second election district of the Second Ward; and the territory embraced and included in the "Carter" tracts of land, used by the city for the purpose of a garbage farm and smallpox hospital, shall be and compose a part of the second election district of the Third Ward: *Provided further*, that for the purposes of the city election to be held on the first Monday in May, one thousand nine hundred and seven, all present residents in the territory embraced within Cabarrus Street on the north, Fayetteville Street on the east and Lenoir Street on the south and the city limits on the west, who are otherwise qualified to vote at any such election, shall vote in the second election district of the Fourth Ward, and the change hereinbefore made of the division line between the first and second election districts of the Fourth Ward (said change being a substitution of Cabarrus for Lenoir Street) shall not be construed or held to be a removal by such residents so as to require their voting in the first election district of the Fourth Ward: *Provided further*, wherever the words "city limits" occurs in this section the same is intended and shall be construed to mean the city limits as now or hereafter defined.

Proviso: Pullen park and Mount Hope cemetery in second district of fourth ward.

Oakwood cemetery included in second district of second ward.

City farm included in second district of third ward.

Proviso: voters removed from second district to first district of fourth ward by change in line of district to vote in original district in May, 1907.

Proviso: city limits construed.

Corporate limits extended on and after 1st July, 1907.

Sec. 5. That on and after the first day of July, one thousand nine hundred and seven, the present corporate limits of the city of Raleigh, as described and defined in section two hereof, shall be and the same are hereby extended two thousand three hundred eighty-six and one-half feet on the north, one thousand nine hundred and one-half feet on the east and west, and nine hundred twenty-eight and one-half feet on the south, and the territory bounded by and included within the following lines, as external

boundaries, to-wit: On the north by a line centered upon the center of Union Square, and lying five thousand two hundred and eighty feet to the northward thereof, parallel with the true center of Hillsboro Street and New Bern Avenue; south by a line centered as aforesaid, and lying five thousand two hundred and eighty feet to the southward of said center, parallel with said first-described line; and on the east and west by a line parallel with the true center of Fayetteville and Halifax streets, lying five thousand two hundred and eighty feet to the eastward and westward thereof, respectively, thereby intersecting and closing the extremities of the first and second above-described lines, shall, on and after said first day of July, one thousand nine hundred and seven, constitute and be the territorial area of the city of Raleigh; and the tax rate now or hereafter in force in the city of Raleigh shall apply to persons and property in the territory herein provided to be added to the present territorial area of the city of Raleigh: *Provided, however*, that all the municipal advantages in the way of water, sewerage, schools, lights, and street improvements now enjoyed by residents of said city shall be extended as rapidly as practicable, in the opinion of the Board of Aldermen of said city, to the new territory to be hereafter added, as hereinbefore provided, to said city of Raleigh.

New boundaries.

Tax rate to apply.

Proviso: municipal advantages to be extended to added territory as rapidly as possible.

Sec. 5 (*a*). That on and after said first day of July, one thousand nine hundred and seven, said city shall be divided into four wards, with centers of Hillsboro, New Bern Avenue, Halifax and Fayetteville streets as intersections, to-wit: The northwest portion of said area included between the centers of Hillsboro Street on the south and Halifax Street on the east, and extended to the exterior boundaries on the west and north, respectively, shall be known as the first ward; the northeast portion of said area included between the centers of Halifax Street on the west and New Bern Avenue on the south, and extended to the exterior boundaries on the north and east, respectively, shall be known as the Second Ward; the southeast portion of said area included between the centers of New Bern Avenue on the north and Fayetteville street on the west, and extended to the exterior boundaries on the east and south, respectively, shall be known as the Third Ward; and the remainder of said area between the centers of Hillsboro Street on the north and Fayetteville Street on the east, and extended to the exterior boundaries on the west and south, respectively, shall be the Fourth Ward.

City divided into four wards.

First ward.

Second ward.

Third ward.

Fourth ward.

Sec. 5 (*b*). That on and after said first day of July, one thousand nine hundred and seven, the wards so laid off shall be divided into eight election districts, as follows: The territory included within the following boundaries, to-wit: Hillsboro Street on the south, the city limits on the west, North Street on the north, and Halifax Street and the State Capitol grounds on the east, shall

Wards divided into election districts.

First district of first ward.

be known as the first election district of the First Ward; the territory included within the following boundaries, to-wit: North Street on the south, the city limits on the west and north, and Halifax Street on the east, shall be known as the second election district of the First Ward; the territory included within the following boundaries, to-wit: New Bern Avenue on the south, Halifax Street and the State Capitol grounds on the west, North Street and Oakwood Avenue on the north, and the city limits on the east, shall be known as the first election district of the Second Ward; the territory included within the following boundaries, to-wit: North Street and Oakwood Avenue on the south, Halifax Street on the west, and the city limits on the north and east, shall be known as the second election district of the Second Ward; the territory included within the following boundaries, to-wit: New Bern Avenue on the north, the city limits on the east, Davie Street on the south, and Fayetteville Street on the west, shall be known as the first election district of the Third Ward; the territory included within the following boundaries, to-wit: Davie Street on the north, the city limits on the east and south, and Fayetteville Street on the west, shall be known as the second election district of the Third Ward; the territory included within the following boundaries, to-wit: Hillsboro Street on the north, the State Capitol grounds and Fayetteville Street on the east, Davie Street on the south, and the city limits on the west, shall be known as the first election district of the Fourth Ward; and the territory included within the following boundaries, to-wit: Davie Street on the north, Fayetteville Street on the east, and the city limits on the south and west, shall be known as the second election district of the Fourth Ward: *Provided*, that the territory embraced in "Pullen Park" and "Mount Hope Cemetery" shall be and compose a part of the second election district of the Fourth Ward, and the territory embraced in "Oakwood Cemetery" shall be and compose a part of the second election district of the Second Ward, and the territory embraced in the "Carter" tracts of land, used by the city for the purpose of a garbage farm and a smallpox hospital, shall be and compose a part of the second election district of the Third Ward.

Second district of first ward.

First district of second ward.

Second district of second ward.

First district of third ward.

Second district of third ward.

First district of fourth ward.

Second district of fourth ward.

Proviso: Pullen Park and Mount Hope cemetery part of second district of fourth ward.

Oakwood cemetery part of second district of second ward.

City farm part of second district of third ward.

City elections.

Sec. 6. That the biennial elections herein provided for officers of said city, and any other election herein authorized for city purposes, shall be called, held, conducted and concluded under the directions of the Mayor and Board of Aldermen by officers designated and appointed by them for that purpose, in manner and form in every respect and detail as near as may be, and under the same provisions of law and practice as near as may be, as elections for county officers are held and conducted by county officials under the general law relating to such elections in North Carolina in force at the time of such city election, including all

the penalties prescribed for the violation of such law: *Provided*, that when any certain duties are prescribed under the general election law to be done and performed by State or county officials unknown to municipal corporations, which are likewise required to be done and performed in such city election, then and in that case such duties shall be done and performed by the city officer or officers whose office and duties bear the greatest analogy to those of the officer named in the general election law for which such duty, as Chief of Police to Sheriff, City Clerk to Clerk of the Superior Court, etc.

Proviso: duties prescribed for county officers to be discharged by officers of city.

Sec. 7. That the Board of Aldermen so elected shall convene within five days next following their election for the transaction of business, and among other things they shall fix and determine the salary of all officers or employees of the city of Raleigh, except those herein specified, and at the regular meeting of the board in the month of July following they shall elect the following officers, none of whom shall be of their number: a Sanitary Inspector, Street Commissioner, Treasurer, and City Attorney, and such other officers as they may deem necessary for the proper government of the city. All of said officers so elected shall hold their office for a term of two years and during the official term of the Board of Aldermen, unless removed as by this charter provided, or until their successors shall be duly elected and qualified; and the salary of such officers or employees after being fixed by the Board of Aldermen shall not be increased during the term of office. All officers or employees of the city of Raleigh, whether elected by the people or by the Board of Aldermen, shall receive flat salaries, as in this charter specified or fixed by the Board of Aldermen, and no officer or employee shall receive any fee or commission in addition to his salary. All fees collected or received by the Police Justice, Chief of Police, or policemen, and all fees or commissions collected or received by any officer or employee of the city of Raleigh, by reason of his office or employment by the city, shall be paid into the city treasury and the Treasurer's receipt taken therefor, each month, by the officer or employee collecting or receiving same; and they shall make a detailed report of same, to which shall be attached the Treasurer's receipt, each month, to the Board of Audit and Finance of the city, who shall cause the same to be posted in front of the City Hall.

Aldermen-elect to meet within five days.

Salary of officers to be determined.

Officers to be elected at July meeting.

Terms of officers.

Salaries not increased during term.

No officer to receive fee or compensation in addition to salary.

Fees to be paid into city treasury.

Detailed report.

Report to be posted.

THE MAYOR.

Sec. 8. That the Mayor and every other officer of said city, before entering upon the duties of his office, shall take, subscribe, and file with the City Clerk the following oath of office: "I, ... Form. ....., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution

Oaths of office.

and laws of North Carolina not inconsistent therewith, and I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability; so help me, God."

Subscribed to and sworn before me, this .... day of ....., 19....

Term of mayor. Office.

Sec. 9. That the Mayor shall hold his office for two years, and have and keep his office in the City Hall, or in some other convenient building provided by the Board of Aldermen. He shall have the custody of the corporate seal; preside when present over all meetings of the Board of Aldermen; have a casting vote in all cases of equal division therein; a general custody, direction, supervision and control of all the public employees, work and works, improvements, grounds, buildings and property of the city; he shall have full power and authority to summarily remove from office any officer or employee of the city of Raleigh, except Aldermen, whenever any such officer or employee shall be guilty of any malfeasance, misfeasance or nonfeasance, or whenever such officer or employee shall be guilty of any act or neglect which shall render him disqualified and unfit, in the opinion of the Mayor, from rendering proper services to the city of Raleigh, or be an officer or employee thereof: *Provided, however*, that any officer or employee suspended by the Mayor as aforesaid shall have the right to appeal to the Board of Aldermen, and he may be reinstated or restored to office or employment after a full and fair trial, a majority, or five members, of the Board of Aldermen voting to restore him to office.

Duties of mayor.

Power to remove officers.

Proviso: appeal to aldermen.

Power to administer oaths. Officers may take oath before mayor.

Sec. 10. That the Mayor of said city shall have full power and authority to administer oaths or affirmations, and all oaths or affirmations required to be taken by Aldermen, Police Justice, Chief and members of the police force, members of the Board of Audit and Finance, School Committeemen or other officers of the city may be administered by the Mayor.

Aldermen to elect mayor to fill vacancy.

Sec. 11. That if any person who has been elected Mayor shall fail, neglect or refuse to qualify; or if a vacancy shall occur in the office after election and qualification other than by expiration of term; or if the Mayor be absent from the city or unable to attend to or discharge the duties of his office from any other cause, then and in such case the Board of Aldermen shall choose some qualified person to perform the duties of the absent Mayor during the period of his absence or disability or to the end of the term, as the case may be, and the Mayor so chosen shall have all the power and authority which is vested in the regularly elected Mayor under this act; and the Board of Aldermen shall in like manner fill all vacancies for the unexpired term which may occur in the city government, choosing only such persons as are eligible to original election under the provisions of this

Vacancies in other offices.

act: *Provided*, that in case a vacancy occur in the office of Mayor of the city during the first year of the term of such Mayor, then the Board of Aldermen shall call and hold an election and the vacancy shall be filled by the vote of the people qualified to vote thereon in the city within forty days of the date on which such vacancy occurred or was first known. Proviso: special election for mayor if vacancy occur during first year of term.

Sec. 12. It shall be the duty of the Mayor, as soon after the close of each fiscal year (including the last month thereof) as is practicable, to present to the Board of Aldermen a report of the several departments of the city government for the previous year, reviewing the same, with such recommendations in relation thereto as may seem to him advantageous to the public service. It shall be the duty of the Clerk of the city to cause the same to be printed and bound in the usual form with the other reports of the city officers. Annual reports presented by mayor. Recommendations. Report to be printed.

Sec. 13. That the Mayor of said city shall have full power and authority to appoint and employ, at the cost of the city, and assign them to special work, detectives, for such time as shall appear necessary. Mayor to employ detectives.

CITY CLERK.

Sec. 14. That it shall be the duty of the City Clerk to be present at all meetings of the Board of Aldermen; to keep and record in a book to be provided therefor regular and fair minutes of the proceedings of the board, and, when thereto required, of the Police Justice Court; to issue all licenses and collect all license-taxes, except sanitary license, and rentals due the city; to preserve all the books, records, documents, papers and other articles committed to his use, care or custody during his term of office, and deliver them in good order and condition to his successor, and, generally, to perform such other duties as may be prescribed by this charter or by the Board of Aldermen. Duties of city clerk. Record of proceedings of aldermen. Record of police justice court. To issue licenses and collect license tax. Preservation of books, records and papers. General duties.

POLICE JUSTICE.

Sec. 15. That the Police Justice of the city of Raleigh is hereby constituted a special court, with the following jurisdiction: Police justice constituted special court.

(*a*) With exclusive original jurisdiction over all offenses arising from the violation of the provisions of this act, or of all violations of ordinances, by-laws, rules and regulations of the Board of Aldermen made in pursuance of this act, within the corporate limits of the city of Raleigh and within Raleigh Township. Jurisdiction. Exclusive original jurisdiction within Raleigh township of offenses against charter and ordinances of city.

(*b*) With jurisdiction, power and authority which is now or hereafter may be given to justices of the peace for the trial and determination of civil and criminal cases. Jurisdiction of justices of the peace.

(*c*) With jurisdiction, power and authority for the trial and determination of all other criminal offenses created by the laws Jurisdiction of offenses in city and township of less degree than felony.

of the State of North Carolina committed within the corporate limits of the city of Raleigh and within Raleigh Township below the grade of felony as now defined by law, and all such offenses committed within said city and township are hereby declared to be petty misdemeanors. And to this end he may issue his summons, warrant or other process, and if criminal, issue a warrant for the arrest of the defendant and have the party brought before him; hear, determine and give judgment thereon; issue execution, impose fines and imprisonment, and impose penalties and forfeitures, as the case may be; and direct the enforcement thereof, subject to the limitations of this act, as to the amount of such penalties or punishment; with right of appeal by the defendant from the judgment or sentence of the Police Justice's Court to the Superior Court of Wake County under the same provisions of law that govern an appeal from inferior courts or from a justice of the peace court. That in case a defendant, a witness or other person shall be adjudged to be imprisoned by the said Police Justice's Court, it shall be competent for the said Court to sentence such person to imprisonment on the county roads, or in the county work-house or other place of confinement where convicted persons are or may be worked by the county of Wake, or to the common jail of Wake County: *Provided*, that if such convicted person be a woman, she may be sentenced only to the common jail or work-house or such other place of confinement, and not to the county roads; and in case a defendant shall not pay a fine, penalty or cost adjudged against him, the Police Justice's Court shall have authority and power to sentence the defendant in such case to imprisonment on the county roads of Wake County, or to the common jail of said county, or to work on the streets or other public works of the city of Raleigh; the county of Wake shall be liable to the city of Raleigh for all costs of the Police Justice's Court in all cases where the county is now or may hereafter be liable for costs in criminal actions in the Superior Court or in a court of a justice of the peace, and the Board of Commissioners of said county shall pay over the amount of such costs to the said Police Justice's Court; and the defendant in case of sentence to work on the streets or on the public works of said city shall have credit upon the amount so adjudged against him at the rate of one dollar per day for every day in which he shall work upon the public streets or other works of the city.

Offenses declared petty misdemeanors.

Process.

Judgment.

Enforcement of judgments.

Right of appeal.

Convicts sentenced to roads, work-house or common jail.

Proviso: women not sentenced to roads.

Imprisonment for non-payment of fine, penalty or costs.

Liability of county for costs.

Allowance for work in payment of fine or costs.

Court of record.

Seal.

Sec. 16. The Police Justice's Court shall be a court of record and have a seal with the inscription "Police Justice's Court of the City of Raleigh," which seal shall be used in attesting all writs, warrants, summons or other processes, or acts, judgments or decrees of said Court in the same manner and to the same effect as the seal of other courts in the State of North Carolina.

Process of police justice.

Sec. 17. That the Police Justice may issue his process to the Chief of Police, or to the city police, or to the Sheriff, Constable or other lawful officer in the county of Wake, and such process, when attested by the seal of the Police Justice's Court, shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law: *Provided*, that neither the Chief of Police nor the city police shall execute any process outside of the boundaries of Raleigh Township unless the offense was committed or the cause of action arose within the corporate limits of the city or within the boundaries of Raleigh Township and in violation of the provisions of this act.

Proviso: process outside of township.

Costs.

Sec. 18. That the Police Justice of said city shall be allowed such costs as are allowed by law in similar proceedings before justices of the peace, as near as may be: *Provided, however*, that all costs recovered and collected in said Police Justice's Court shall belong to the city of Raleigh and shall be turned over by the officer collecting the same, within ten days after said collection, to the Treasurer of the city of Raleigh.

Proviso: costs to use of city.

Mayor to appoint substitute.

Sec. 19. Should the Police Justice be prevented from attending upon the Police Court of the city of Raleigh on account of sickness or absence from the city, then and in that case the Mayor of the city of Raleigh shall have power and authority to appoint some discreet and qualified person to act in the place of said Police Justice; and the person so appointed by the Mayor to act in the place of said Police Justice, after having taken the oath of office prescribed by the provisions of this act, shall have all the jurisdiction, power and authority herein conferred upon the duly elected Police Justice of the city of Raleigh; the person so appointed to act as substitute Police Justice may charge and receive the salary provided for the office while serving, or may perform said duties gratuitously. That if the Police Justice elect shall be at the time of his election a practising attorney he shall not be prohibited on account of holding said office from practising in the civil courts of this State.

Practise in civil courts.

Force and effects of judgments.

Sec. 20. That the judgments rendered by the Police Justice under the provisions of this act shall have all the force, virtue and validity of judgments rendered by inferior courts under the laws of the State of North Carolina, and may be enforced and executed against the parties in the county of Wake or elsewhere in the same manner and by the same means. All fines and penalties and costs imposed by the Police Justice's Court shall be collected by and paid to the Chief of Police, who shall pay over and account for the same to the proper officer or officers as provided by law; and all defendants or other persons adjudged by said Police Justice's Court to pay a fine, penalty or costs, shall thereupon become in the custody of the Chief of Police, to be by him

Enforcement and execution.

Fines, penalties and costs paid to chief of police.

Chief of police to pay over and account.

Persons in custody of chief of police.

held or imprisoned by the Police Justice until such fine, penalty and costs shall be paid, or until he shall be otherwise discharged by law.

Records of police justice.

Sec. 21. That it shall be the duty of the Police Justice to keep an exact account and true record of all fines, penalties, forfeitures and punishments by him imposed under any provisions of this act, or for the violation of any ordinances, by-laws, rule or regulation of the Board of Aldermen made in pursuance thereof, in a separate book to be furnished by the city of Raleigh, showing the name, the residence of each offender; nature of the offense; the date of hearing or trial; the punishment imposed, either the amount of fine or length of imprisonment, or the penalty or forfeiture imposed; and when any, by whom the fine, penalty or forfeiture is paid to the Chief of Police, if known.

Fees of police justice and policemen.

Sec. 22. That the Police Justice and the Chief of Police and policemen shall be entitled to charge and collect the same costs and fees as is provided for inferior court or courts of the Justices of the Peace, and for Sheriffs and Constables; that all fines, penalties or forfeitures imposed by the Police Justice's Court shall be collected by and paid over to the Chief of Police, and these, with all costs and fees collected by the Police Justice's Court and the Chief of Police and policemen shall be accounted for and paid into the treasury of the city of Raleigh for the use of the city of Raleigh.

Fines, forfeitures, penalties and costs to use of city.

Election of police commissioners.

Sec. 23. That at the regular city election to be held on the first Monday in May, one thousand nine hundred and seven, there shall be elected, of and by the qualified voters of the city of Raleigh, under the same rules and regulations as the other officers of said city are elected, three Police Commissioners, one of whom shall be elected for a term of six years, one for a term of four years, and one for a term of two years; and the three persons so elected shall, after qualifying as hereinafter provided, be and constitute the "Board of Police Commissioners of the City of Raleigh," which is hereby created. The terms of office of the said Police Commissioners shall commence upon the expiration of the terms of the present Chief of Police and the present police force.

Terms.

Official title.

Beginning of term.

End of terms.

Sec. 24. They shall hold office and serve for the following periods, respectively, to-wit: The Police Commissioner elected for six years shall hold office until the first Saturday in September, one thousand nine hundred and thirteen, the Police Commissioner elected for four years shall hold office until the first Saturday in September, one thousand nine hundred and eleven, the Police Commissioner elected for two years shall hold office until the first Saturday in September, one thousand nine hundred and nine; and until their successors are appointed or elected and qualified.

Sec. 25. At the regular municipal election to be held in said city on the first Monday in May, one thousand nine hundred and nine, and biennially thereafter, there shall be elected of and by the qualified voters of the city of Raleigh one Commissioner to succeed the Commissioner whose term will expire in that year; and, as the terms of the Commissioners elected in May, one thousand nine hundred and seven, respectively, expire, the vacancies in the board thus made shall be filled by electing biennially members for six years, whereby all will serve and hold office for six years, and one be elected biennially in May, as hereinafter provided. If any member of said Board of Police Commissioners shall refuse to qualify, or, after qualification, shall become physically or mentally disqualified to serve, resign, cease to be a qualified voter of the city of Raleigh, or be a candidate for any office—Federal, State or municipal (same to be found as a fact by the Board of Aldermen and spread upon its minutes)—there shall be at once a vacancy in said Board of Police Commissioners, which vacancy, as well as one caused by removal for cause, shall be filled by the Board of Aldermen at their next regular meeting, or at a special called meeting, after such vacancy occurs; and when any member of the Board of Police Commissioners is named as an applicant or candidate, or as proper to be supported as a candidate for any office, or a proper person to receive such office, the chairman of said Board of Police Commissioners shall, or any member of said board may, notify him in writing that his name is mentioned in connection with such office; and if said member, so notified, shall not within ten days after receipt of said notice, file with the chairman of said board his statement in writing that he is neither a candidate nor applicant for such office, and that he will not serve nor accept it if elected or appointed, the said Board of Police Commissioners shall declare vacant his office as a member of said board, which shall be filled in the manner hereinafter prescribed for filling vacancies otherwise created in said board. When such vacancies are filled for any cause other than expiration of term, they shall be filled by the Board of Aldermen only for the unexpired term.

Election of successors.

Vacancy to be declared.

Aldermen to fill vacancy.

Police commissioner becoming candidate or applicant for another office, vacancy to be declared.

Vacancies filled by aldermen.

Sec. 26. That each Commissioner and his successors in office shall, before entering on the duties of his office, take and subscribe the following oath, to be administered by the Mayor: "I swear that I will faithfully and impartially demean myself as a member of the Board of Police Commissioners of the city of Raleigh during my continuance in office. I have not, in order to influence my election to this office of Commissioner, directly or indirectly, expressedly or impliedly, promised my vote or support to any person for any office in the city of Raleigh nor for any other office. I will not knowingly permit my vote in the election or appointment of any person to position in the Police Department

Commissioners to be sworn.

Form of oath.

or on the police force to be influenced by fear, favor or affection, reward or hope thereof, but in all things pertaining to my said office I will be governed by my conviction of the public good."

Oath to be entered on minutes. Original to be filed.

The oath shall be entered on the minutes of the proceedings of the board and the original shall be filed in the office of the City Clerk.

Meeting for organization.

That on or before the first Saturday of September, one thousand nine hundred and seven, the Commissioners elected at the election in May, one thousand nine hundred and seven, shall assemble and, after taking the oath of office, organize, elect a secretary for the ensuing year, who, if said Commissioners shall so desire, may be selected from among their own number, which said secretary shall receive a salary of one hundred dollars per annum, to be paid by the city of Raleigh in monthly instalments.

Secretary.

Salary of secretary.

Title.

That said Board of Commissioners, so organized, shall be known as the "Board of Police Commissioners of the City of Raleigh"; the Commissioner elected for the term of six years, and his successors, shall be the chairman of said board; the members of said board shall be paid a salary of two hundred dollars per annum, each, payable in equal monthly instalments.

Chairman.

Salary of members.

Regular meetings.

The said board shall hold regular meetings on the first and third Thursdays of each month in some room in the City Hall building, at such hour as the board may determine; the chairman may, and, upon written request of any one member, shall, call special meetings of said board, of which due notice shall be given to each member not requesting such meeting.

Special meetings.

Record of proceedings.

The secretary shall keep in proper books a record of the proceedings of all meetings and shall perform such other duties as the board may require.

Rules and regulations.

The said board shall adopt rules and regulations for the government thereof; it shall establish, promulgate and enforce proper rules, regulations and orders for the good government of the police force and Police Department, and in any investigation pertaining to their duties shall have power to compel the attendance of persons and the production of papers, and through and by their chairman to administer oaths: *Provided*, that such rules and regulations shall not in any way conflict with any ordinance of the Board of Aldermen.

Rules and regulations for government of police force and police department.

Powers in making investigations.

Proviso: rules and regulations not to conflict with ordinances.

Sec. 27. The Police Department of the city of Raleigh shall be under the general control of the Board of Police Commissioners herein created.

Control of police department.

The said Police Department shall remain as at present organized, until the expiration of the terms of office of the several officers thereof, at which time the said Board of Police Commissioners shall proceed to organize the said department as herein described, and to assume all the powers and duties conferred upon them by this act.

Present organization of department continued.

The police force of the city of Raleigh shall be appointed by the Board of Police Commissioners as vacancies occur and as herein provided.

Police force appointed by police commissioners.

The said force shall consist of a Chief of Police and as many captains, officers, privates and patrolmen as the Board of Aldermen may prescribe, except

Chief of police and captains, officers, privates and patrolmen. Number not to be reduced.

that the force shall not be reduced below its present number. The Chief of Police shall be appointed for a term of two years and until his successors shall be appointed or elected and qualified; all other members and officers of the police force shall be appointed to hold office at the pleasure of said board, upon good behavior, and the Chief of Police and all other members and officers of the police force may be reprimanded, suspended without pay, or dismissed by said board for inefficiency, for any offense against the rules of said board, malfeasance, misfeasance or nonfeasance, neglect of duty, absence without leave, or other breach of discipline, immoral conduct, or conduct unbecoming such officer or rendering him, in the opinion of the board, unfit to act as such officer. The salary of the Chief of Police shall be as hereinafter prescribed in this act under the title of "Salaries and Fees." The salaries of all other members and officers of said police force shall be fixed and determined by the Board of Aldermen of the city of Raleigh.

Term of chief.

Policemen and officers at pleasure of board.

Punishments authorized.

Salary of chief.

Salaries of members and officers.

Sec. 28. That the Chief of Police shall be the chief executive of the police force. He shall be chargeable with and responsible for the discipline and efficiency of the police force and the execution of all laws and of the rules and regulations of the Board of Police Commissioners. He shall assign to duty the officers and members of the police force, and shall have power to change such assignments from time to time whenever in his judgment the exigencies of the service may require such change. He shall have power to suspend without pay, pending the trial of charges, any member of the police force: *Provided, however*, that no such suspension shall be continued for a period of more than ten days without affirmative action to that effect by the Board of Police Commissioners. If the suspension of any member of the police force shall not be confirmed by the said board on the charges preferred he shall be entitled to full pay from date of suspension, notwithstanding such charges and suspension. Said Chief of Police may grant leave of absence to members of the force for a period not exceeding five days. He shall report to the Board of Police Commissioners all changes or assignments of officers, and all leaves of absence granted. He shall have general care of the peace of the city, and see that all subordinates do their duty in preserving the same. He shall have control over the entire police force and see to the execution of every ordinance. He shall have general supervision over the subject of nuisances and the abatement of the same. He shall, when not actually engaged in official duties in his office, devote as much time as practicable to the personal inspection of the condition of streets, buildings, sidewalks and public places of the city, and to the supervision of the officers of the force in performance of their duties, and shall exercise and

Chief of police to be chief executive.

Responsible for discipline and efficiency.

Assignments to duty.

Power to suspend policemen.

Proviso: limit of suspension.

If suspension not confirmed policemen entitled to pay.

Leaves of absence.

Report of assignments and leaves of absence.

General care of peace of city.

Control of police force.

General supervision of nuisances and abatement of same.

Duties of inspection and supervision.

discharge all such powers and functions as pertain to the office of the Chief of Police, and as the Board of Aldermen may from time to time prescribe. He shall make semi-monthly a full and detailed report to the Board of Police Commissioners of the condition of the department, service and conduct of the policemen; and a monthly report to the Board of Aldermen of the general condition of the department, the amount of fines, penalties, forfeitures and costs, if any, imposed by the Police Justice, and remaining uncollected, and the names of the persons from whom due and for what offense, together with such other matters as pertain to his office, and perform such other duties as may be required of him by ordinance or by the Board of Police Commissioners. In case of the absence or disability of the Chief of Police, then a member of the police force shall be designated by the Board of Police Commissioners to serve during such absence or disability, and the member so designated shall be competent to discharge all the duties of the Chief of Police.

Semi-monthly reports.

Monthly reports.

Policeman designated to act during absence of chief.

Special police.

Detectives.

Sec. 29. That said Chief of Police may appoint, with the consent of the Mayor, special police whenever the exigencies of the times, in his judgment, demand it. He may appoint or employ, with the consent of the Mayor, detectives and assign them to specific duties.

Reports of gambling houses.

Lewd and obscene places of amusement.

Bawdyhouses, lottery or policy shops.

Liquor shops.

Right of entry.

Arrest of persons.

Seizure of wares and implements.

Sec. 30. If any member of the police force or if any two or more householders shall report in writing under his or their signature to the Chief of Police that there are good grounds (stating the same) for believing any house, room or premises within the said city to be kept or used as a gambling house, gaming-room or gaming premises for therein playing for wagers or money at any game of chance, or to be kept or used for lewd and obscene purposes or amusements, or as a house of ill fame or bawdyhouse, or the deposit or sale of lottery tickets or lottery policies, or the sale of intoxicating liquors, it shall be lawful for the Chief of Police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons found therein and seize all implements of gaming or lottery tickets or lottery policies or packages or vessels of liquor, and convey any person so arrested before the Police Justice, and bring the articles so seized to the station-house. It shall be the duty of the said Chief of Police to cause such arrested persons to be rigorously prosecuted, and such articles seized to be destroyed, as the orders, rules and regulations of the Police Justice may direct.

Arrested persons to be prosecuted.

Articles seized to be destroyed.

Chief of police to admit to bail.

Bail forfeited—chief to report.

Sec. 31. That the Chief of Police shall have the authority to admit to bail any person arrested for the violation of the city ordinances in the sum of not less than three dollars nor more than one hundred dollars for their appearance for trial before the Police Justice; and should any person so admitted to bail fail to appear

for trial before the Police Justice, then such bail shall be forfeited to the city, and the Chief of Police shall report the money so forfeited in the same way that he does other moneys collected by him.

General duties of chief of police and policemen.

Sec. 32. That it shall be the duty of the Chief of Police and of the city police force under his immediate charge and direction to see that the laws of the city and the ordinances of the Board of Aldermen and the regulations and orders of the Mayor, Police Justice and Board of Police Commissioners are executed and enforced, and all breaches thereof reported to the Mayor, Police Justice and Board of Police Commissioners; to preserve the peace and order of the city; to suppress disturbances and arrest and carry before the Police Justice all offenders against any laws, city, State or National, who may be found within the corporate limits or within Raleigh Township; to execute all warrants or other process lawfully directed to him by the Police Justice or other competent authority against any person or persons charged with the commission of any crime or misdemeanor within the corporate limits of the city or within Raleigh Township, and if in violation of any of the provisions of this act they may pursue and continually follow and arrest such offender anywhere within the county of Wake; and in the performance of such duties they shall have all the power and authority of and be governed by the same provisions of the law as Sheriffs and constables in their respective jurisdictions.

Power and authority.

Chief to attend upon police court.

To collect fines, penalties and forfeitures.

Sec. 33. That it shall also be the duty of the Chief of Police to attend upon the Police Court; to collect such fines, penalties and forfeitures as may be imposed by the Police Justice upon offenders for the violation of any of the provisions of this charter, or of the ordinances, rules and regulations of the Board of Aldermen made in pursuance hereof, of which he shall keep an exact record in a book to be furnished by the Board of Aldermen, showing the name and residence of the offender, the nature of the offense, the date of the hearing thereon before the Police Justice, the amount of the fine, penalty or forfeiture imposed, the date of its collection and the date of payment thereof by the Chief of Police to the Treasurer. And the signature of the Treasurer on the last column and the same line of each entry shall be the only sufficient voucher of the Chief of Police for such payment in each case.

Record of collections.

Receipt of treasurer.

DUTIES OF POLICE.

General powers and duties of police.

Sec. 34. It is hereby made the duty of the Police Department and force, at all times of day or night, and the members of such force are hereby thereunto empowered, to specially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and unlawful gatherings which obstruct the free passage of public streets, sidewalks, parks and places; protect the rights of

persons and property, guard the public health, preserve order at elections and all public meetings and assemblages, regulate the movements of teams and vehicles in streets, bridges, squares, parks and public places, and remove all nuisances in public streets, parks and highways; arrest all street mendicants and beggars, provide proper police attendance at fires, assist, advise and protect strangers and travelers in public streets and at railroad stations; carefully observe and inspect all places of public amusements, all places of business having license to carry on any business, and to repress and restrain all unlawful disorderly conduct or practices therein; enforce and prevent the violation of all laws and ordinances in force in said city, and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses; to prevent, as far as possible, all injury to the city property and buildings, streets and sidewalks; to report to the Chief of Police any repairs needed, and to perform such other duties as may be required of them by the Board of Aldermen or the Mayor, the Chief of Police, the Police Justice, or the Board of Police Commissioners. They shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the policemen are hereby directed to report the names of such persons to the Police Justice, who is required to proceed against them as the law directs. They shall have power to enter the enclosure and house of any person without warrant, when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and, if necessary, to summons a posse to aid them, and all persons so summoned shall have like authority of entry and arrest.

Authority to summon posse.

Procedure against persons refusing to assist.

Power of entry without warrant.

Prisoners received without mittimus.

Sec. 35. That upon demand by a city policeman the Sheriff or jailer of the county of Wake is hereby required, without a *mittimus*, to receive into the jail of the county as prisoner any person taken up in the night by the police force, and to keep such person safely until the morning, when the offender shall be taken before the Police Justice and be lawfully dealt with, and for such service the jailer shall be entitled to such fees as in other like cases.

Fees of jailer.

Military and jury duty.
Arrest on civil process.

Sec. 36. No person holding office under the Police Department shall be liable to military or jury duty, and no officer or patrolman while actually on duty shall be liable to arrest on civil process.

OF THE TREASURER.

Duties of treasurer.

Sec. 37. That it shall be the duty of the Treasurer to call on all persons who may have in their hands any moneys or securities belonging to the city, which ought to be paid or delivered into

the treasury, to receive and safely keep the same for the use of the city, and to disburse the funds upon the appropriation of the Board of Aldermen according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, together with the sources from whence they came and the purposes for which they were appropriated. During his continuance therein he shall faithfully perform all duties lawfully imposed upon him as City Treasurer, and at the expiration of his term of office he shall deliver to his successor all the moneys, securities, books of record and other property entrusted to him for use, safe-keeping, disbursement or otherwise.

Warrants on treasurer.

Sec. 38. That all warrants drawn on the Treasurer shall only be issued on vouchers given therefor by the Board of Audit and Finance and shall be signed by the Mayor and countersigned by the Clerk, and shall state the purpose for which the money was appropriated and the fund out of which the same is to be paid.

No claim paid but on approval of board of audit and finance.

Sec. 39. That no claim against the city shall be paid until it shall have been audited and approved by the Board of Audit and Finance and a voucher issued by them authorizing a warrant to be drawn in payment of same.

THE COMMISSIONERS OF THE SINKING FUND.

Duties of commissioner of sinking fund.

Sec. 40. That the Commissioner of the Sinking Fund shall receive from the Tax Collector the whole of the special taxes collected for the purpose of paying the principal and interest of the bonds issued under chapter eighty, Private Acts of one thousand eight hundred and seventy-four and seventy-five; chapter thirty-five, private acts of one thousand eight hundred and eighty-five; chapter one hundred and seventeen, Private Acts of one thousand eight hundred and eighty-nine; chapter one hundred and twenty-nine, Private Acts of one thousand eight hundred and ninety-three, and such other acts as may hereafter be passed which provide for the levying of a special tax by said city, and the Commissioner shall give receipts to the Collector for said payments, and pay the interest on the bonds issued under said acts, at the time said interest becomes due. And it shall be the duty of said Commissioner to demand said special taxes from time to time from the Collector, and if not paid, to report the fact to the board. The sums of money which may be paid as aforesaid to the Commissioner of the Sinking Fund shall be invested and managed as required by law; and in making investments of the same, and of all sums accruing from the securities in which the same may be invested, preference shall be given to such of the bonds of said city which will yield the largest income on the amount invested; all of such bonds of the city of Raleigh which

Receipts to collector.

Payment of interest.

Investments of sinking fund.

may be purchased for the purpose aforesaid and all the coupons thereto shall be immediately and indelibly stamped with the words "The Sinking Fund of the City of Raleigh," and the number, amount and date of issue of every such bond shall be recorded by said Commissioner in a proper book kept by said Board of Audit and Finance for that purpose; and a duly certified copy of such record shall from time to time, as additional investments for said fund shall be made, be furnished by said Commissioner to the Board of Aldermen of said city, who shall cause the same to be filed by the Clerk of said city and recorded in the proper book in his office. All bonds as investments of any fund belonging to said sinking fund and all interest accruing thereon or the proceeds of the sale of such bonds shall be held exclusively for the use and as a part of said sinking fund, and shall not be disposed of or transferred or in any way used for any other purpose whatever.

Advertisement for purchase of bonds.

Sec. 41. That the said Commissioner shall, from time to time, under the provisions of the acts set forth in the above section, when he shall have sufficient money in his hands, advertise for ten days in the daily newspapers for sealed proposals for the sale of the bonds of the city issued under said acts. Bids shall be opened in the presence of the Mayor and Treasurer, and such bids as are most advantageous for the city shall be accepted. But said officers, in their discretion, may refuse to accept any bids made, and advertise for additional proposals. Bonds of the city so purchased shall be canceled by them.

Bids opened.

All bids may be refused.

Bonds to be canceled.

Alternative investments.

Sec. 42. That if, after reasonable diligence, none of said bonds can be purchased at their value or less, then the Commissioner shall in like manner purchase any other bonds of the city, which bonds shall be made payable to the Commissioner of the Sinking Fund in trust for the city of Raleigh, and shall be held by him in trust for the holders of the bonds authorized by the said acts mentioned in section thirty-two of this chapter, or shall make such investments of the funds in his hands as the Finance Committee of the Board of Aldermen shall approve, preference being given to loans upon real estate in the city.

Annual reports.

Sec. 43. That the said Commissioner shall make a report to the Board annually at their meeting in the month of May of the condition of the fund and of his action since the last report.

CITY TAX COLLECTOR.

Control and direction of finance committee.

Bond.

Sec. 44. The City Tax Collector shall be under the control and direction of the Finance Committee of the city of Raleigh; he shall give bond in such an amount as specified in this act for the diligent and faithful collection of the taxes due to the city of Raleigh, and for the proper accounting for and paying over to the proper officer of the city of all moneys that come into his

hands or that lawfully should come into his hands as Tax Collector of the city of Raleigh, and the bond specified by this charter may be increased whenever the Finance Committee of the city of Raleigh deem it advisable; he shall obey all lawful orders and directions of the Finance Committee, and he may be suspended from his office by the Finance Committee, subject to the action of the Mayor or the Board of Aldermen.

Bond may be increased.

Suspension by finance committee.

BOARD OF AUDIT AND FINANCE.

Sec. 45. That at the regular meeting of the Board of Aldermen of the city of Raleigh in the month of July, one thousand nine hundred and seven, there shall be elected three discreet and proper persons from among the electors of the city of Raleigh, and shall constitute and be styled "The Board of Audit and Finance of the City of Raleigh." One member of this board shall be elected for a term of six years, one member shall be elected for a term of four years, and one member shall be elected for a term of two years, and until their successors are duly elected and qualified. No person holding an office or appointment under the Board of Aldermen of the city of Raleigh, or who may be a contractor or any agent or employee of a contractor for any work, materials, repairs or other things whatever for the use of said city, shall be eligible as a member of said Board of Audit and Finance or qualified to act as one of its members. The Board of Aldermen shall elect the successor of any member whose term expires, and the member so elected shall hold his office for a term of six years. And the Board of Aldermen shall fill all vacancies occurring in said board on account of death, resignation or any disqualification of members arising after their election or removal from office. The Board of Aldermen of the city of Raleigh shall have the right to remove any member of the Board of Audit and Finance for neglect or malfeasance in office, upon charges preferred by any citizen of the city of Raleigh, after a trial of such member before the Board of Aldermen, upon a three-fourths vote sustaining such charges. Whenever charges shall be preferred against any member of the Board of Audit and Finance they shall be reduced to writing by the City Attorney, under the direction of the Mayor of the city of Raleigh, a copy of which shall be presented to such member against whom the charges are made, and a notice of ten days given such member before the meeting of the board at which he is to be tried. The member of the Board of Audit and Finance elected for six years shall be chairman of said board and shall be paid a salary of five hundred dollars per year, payable in equal monthly instalments; the other members shall receive two hundred dollars per year, each, payable in equal monthly instalments, and the said Board of Audit and Finance may employ a clerk at a salary of not

Election of board of audit and finance.

Terms.

Persons disqualified.

Election of successors.

Aldermen to fill vacancies.

Removal for cause.

Charges to be in writing.

Notice.

Chairman of board.

Salary.

Salary of other members.

Clerk.

Salary of clerk.

Board to elect successor to chairman. Payment of expenses and salaries.

more than nine hundred dollars per annum; at the expiration of the chairman's term of office the Board of Audit and Finance shall elect their chairman. The Treasurer of said city, upon a voucher signed by the chairman and clerk of said Board of Audit and Finance and a regular city warrant issued thereon, shall pay the necessary expenses of said board, the salary of their clerk, and the salary as aforesaid of its chairman and its members.

Orders to be signed and certified. Temporary chairman.

Sec. 46. That the chairman and clerk hereinafter provided for shall sign and certify all orders of the board; and, in case such chairman shall be absent at any meeting of the board, a temporary chairman shall be chosen, who, during such meeting, shall exercise the powers of the regular chairman.

Power to administer oath and issue subpœnas.

The chairman of said Board of Audit and Finance shall have power to administer oaths and issue subpœnas for witnesses to appear before the board, who shall be required to appear and testify under like pains and penalties as if summoned to the Superior Court.

Board to be sworn.

Before entering upon their duties the members of said board shall, before the Mayor, take and subscribe the oath of office prescribed in section seven of this act, and cause the same to be filed in the office of the Clerk of said city.

Oath to be filed.

Clerk to board. Bond.

Sec. 47. The Board of Audit and Finance shall appoint a clerk, prescribe his duties and require him to give bond, with good and sufficient surety, payable to the city of Raleigh, in such sum as said board may determine, and conditioned for the faithful performance of the duties of his office.

Clerk to hold office at pleasure of board. Power to administer oaths. Salary.

The said clerk shall hold office at the pleasure of said board, and shall have power to administer oaths, and shall receive such compensation as said board may establish.

Meetings of board.

Sec. 48. The said Board of Audit and Finance shall hold regular meetings on the first and third Tuesdays of each month in some room in the City Hall at such an hour as the board may determine, and said meetings shall be open to the public, and the hour of holding the regular semi-monthly meetings shall not be changed unless ten days' notice of such change shall be given by publication at least three times in some daily newspaper published in said city.

Meetings open to public. Notice of change in hour of meeting.

Special meetings.

The chairman of said board may, and upon the written request of any one member shall, call special meetings of said board, of which due notice shall be given by publication in at least one issue of a daily newspaper published in said city one day in advance.

Record of proceedings.

The clerk shall, in proper books, keep a minute record of the proceedings of said meetings, recording the names of the members present, the character and amount of all claims and demands against the city, and the names of the claimants.

Claims itemized and verified.

All such claims and demands shall be made out in distinct items, verified by the affidavit of the claimant or his agent, stating that the claim is just and due; that the articles were furnished or service rendered, as the case may be, and that

no part of the same has been satisfied. Notwithstanding such affidavit, the said board may require further proofs as to the validity of any claim; and any person who shall knowingly or wilfully offer or cause to be offered for audit by said board any false or fraudulent claim or demand against the city of Raleigh shall be guilty of a misdemeanor, and any person who shall wilfully swear to any false statement before said board shall be guilty of perjury.

Board may require further proof.

Offer of false claim a misdemeanor.

False oath to claim, perjury.

Sec. 49. It shall be the duty of said Board of Audit and Finance to audit and pass upon the validity of all claims and demands against the city of Raleigh, and no claim or demand against said city shall be paid by the Treasurer of said city or by any other person out of any funds belonging to said city until the same has been duly audited and approved by said board and a voucher signed by the chairman and clerk issued for a proper warrant for the payment of the same. All claims, demands and accounts presented to said board in any one year, beginning at its first regular meeting in March, shall be numbered from one upwards in the order in which they are presented, and at the time of presentation the names of the persons in whose favor they are made out, and by whom presented, shall be carefully entered upon the minutes of the board; and no such account shall be withdrawn from the custody of the board or its clerk except to be used as evidence in a judicial proceeding, and after being so used it shall be promptly returned. Any member of said board who shall knowingly vote to allow any false, fraudulent or untrue claim or demand against said city shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than five hundred dollars and by imprisonment for not less than one year.

Board to pass upon claims.

No claims paid until approved by board.

Claims to be numbered.

Entered on minutes.

Accounts not to be withdrawn.

Voting to allow false, fraudulent or untrue claim a misdemeanor.

Punishment.

Sec. 50. No ordinance of the Mayor and Board of Aldermen of said city levying any tax whatever shall be valid or of any effect unless an estimate and rate of assessment of the taxes so to be levied shall be first submitted to said Board of Audit and Finance and approved by at least two of its members. The estimates aforesaid shall specify the amount required during the next coming fiscal year to pay interest on the debt of said city and to provide a sinking fund for its ultimate payment, and the amount which will be required, as nearly as can be ascertained, to meet the necessary expenditures for the several departments of the city government; and the amounts to be expended under said estimates shall be apportioned by said Board of Audit and Finance according to the specifications accompanying the same among the several departments of the city, of which apportionment a copy shall be delivered to the Clerk and Treasurer of said city. All warrants which may be drawn on account of any duly audited claim or demand shall specify the particular fund from which the same is to be paid, and no such warrant shall be paid from any

Estimate and rate of taxes to be submitted to board.

Estimates to specify amounts necessary for interest and sinking fund.

General city expenses.

Amounts apportioned by board.

Copies to clerk and treasurer.

Warrants to specify fund drawn on.

Liability for payment without warrant.

other fund than the one designed therein; and if any such warrant shall be paid in violation of this provision, or if any claim against said city shall be paid or be received on account of any indebtedness to said city before a proper warrant for the same has been issued, the Treasurer of said city, or any other person, paying the same out of any funds belonging to said city shall be liable for the amount so paid and shall be guilty of a misdemeanor.

Statements of claims and demands to be posted quarterly.

Sec. 51. The said Board of Audit and Finance shall, once in every three months, cause to be posted at the City Hall a statement of all claims and demands against said city audited by said board, giving the respective amounts claimed and allowed, the character of said claim and the name of the claimant.

Board to approve bonds of officers. No contract valid unless approved by board.

Sec. 52. It shall be the duty of said Board of Audit and Finance to pass upon and approve the official bonds of all officers; and no contract, even for the necessary expenses of said city, nor any bond or other obligation in behalf of said city, shall be valid or of any effect unless the same be approved by said board and such approval be endorsed thereon. Any officer of said city who is required to give a bond for the faithful performance of his duties, who shall enter upon the discharge of the duties of his office, or in any way intermeddle therewith before the official bond shall be duly approved as aforesaid, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five hundred dollars and imprisoned not less than six months, and shall further forfeit his office.

Entering upon office before giving bond a misdemeanor.

Punishment.

Board to audit accounts of treasurer and tax collector and other officers.

Sec. 53. The said Board of Audit and Finance shall, at such times during each year as they may deem judicious, and at the end of each fiscal year, audit and cause to be settled the accounts of the City Treasurer and the City Tax Collector, and of all other persons receiving or holding any funds belonging to said city; and on all such settlements, all interest, benefit, advantage received or to be received, directly or indirectly, from the use, disposal or deposit of any funds belonging to said city by any officer or agent of the city shall be duly accounted for. Such officers or agents upon making any such settlements shall be required to make and file with said board an affidavit declaring, as may be, whether he has or has not received, or is not to receive, directly or indirectly, any interest, benefit or advantage from the use, deposit or disposal of said funds, and shall also be examined on the matters referred to. In the event that any officer of said city, upon the investigation of his accounts as aforesaid, shall be found to be in default, said Board of Audit and Finance is hereby authorized and empowered to declare his office vacant.

Interest, benefit and advantages from use, disposal or deposit of city funds to be accounted for. Affidavits to be made and filed by officers.

Office declared vacant if officer in default.

Sealed proposals for supplies to city.

Sec. 54. The Mayor and Board of Aldermen of said city, through their proper officer, shall, every three months, and oftener if

necessary, receive sealed proposals or bids for all labor and for all material required by said city; for lighting and repairing the lamps of the city; for all labor and materials for the repair or construction of all buildings belonging to the city; for all printing or advertising required by the city; for all supplies of any kind required by the city, or any department thereof; and shall contract for the same with the lowest bidder who may be considered fit and competent; but no contract requiring the expenditure of a sum greater than twenty-five dollars shall be binding on the city till approved by the Board of Audit and Finance. All contractors shall be required to enter into bond secured to the satisfaction of the said board for the faithful performance of their several contracts: *Provided*, that the said Mayor and Board of Aldermen, when in their discretion the public economy will be best subserved, may carry on under the supervision of its officials and employees the work of the streets, sidewalks or other public improvements without letting the same by contract, and may purchase material and employ labor by and with the concurrence of said Board of Audit and Finance, without receiving sealed proposals or bids required by this section.

Contract to lowest bidders.

Contracts not binding until approved.

Contractors to give bond.

Proviso: street work.

Sec. 55. The chairman of the Board of Audit and Finance shall be "Commissioner of the Sinking Fund of the City of Raleigh," and shall have all the powers and perform all the duties incident to that office by any and all acts of the General Assembly authorizing or requiring the appointment of such an officer. He shall enter into bond, with good and sufficient surety, to be approved by the Board of Aldermen of said city, in such sum as said Board of Aldermen shall fix, and payable to the city of Raleigh, and conditioned for the faithful performance of all the duties incident to said office, or which may be hereafter imposed on such officer. The chairman of said board, as Commissioner of the Sinking Fund of the city of Raleigh, shall, in the months of January and July of each year, cause to be published in said city a statement showing the true condition of said sinking fund, giving the amount and character of the investment of the same and the place of deposit of the securities belonging to it.

Chairman of board of audit and finance to be commissioner of sinking fund.

To give bond.

Statement of sinking fund to be published.

OF THE ALDERMEN.

Sec. 56. That a majority of the Board of Aldermen shall be competent to perform all the duties herein provided for them and for the proper government of the city. They shall convene within five days next following their election for the transaction of business and fix regular stated times of meeting, not less than once a month, during their terms of office. Special meetings may also be held on the call of the Mayor, with written notice to all of the Aldermen, and on a call of the majority of the board, with

Quorum.

To convene within five days after election.

Regular meetings.

Special meetings.

written notice to the Mayor and to such Aldermen as shall not have joined in the call.

Duty of aldermen to attend meetings.

Sec. 57. It shall be the duty of the Aldermen to attend all meetings of the board unless unavoidably prevented from doing so, and when convened a majority of the board shall have the power to make, enact and pass such ordinances, by-laws, rules and regulations consistent with the laws of the land and necessary for the proper government of the city, with power and authority to provide for the execution of the same by imposition, as punishment for the violation thereof, of fines and imprisonment or by the imposition of penalties and forfeitures; that the fine or imprisonment prescribed for the punishment of a violation of an ordinance shall not exceed a fine of one hundred dollars or imprisonment on the roads not exceeding sixty days, or both, in the discretion of the Police Justice; that the penalty prescribed for the violation of an ordinance shall not exceed a fine or forfeiture of two hundred dollars, which last penalty shall be civil in its nature, to be recovered in a civil action before the Police Justice.

Powers of aldermen.

Limit of fine and imprisonment for violation of ordinance.

Limit of penalty.

Penalty to be recovered in civil action.

Further powers.

Sec. 58. That among the powers conferred upon the Board of Aldermen are these:

To pass on qualifications of aldermen.

(a) They may pass upon the qualifications and rights of Aldermen to be members of the Board of Aldermen; they may try and impeach any Alderman for malfeasance, misfeasance or nonfeasance of office or for any act of neglect that would disqualify an Alderman, in the opinion of the board, from being a member of the Board of Aldermen, and, after trial, may, by a three-fourths vote of all the members, declare the office of such Alderman forfeited, and may elect his successor; that they may prefer charges against the Mayor of the city of Raleigh, Police Justice, Police Commissioners, or any other officer or employee of the city of Raleigh for the violation of the duties of his office, for any malfeasance or misfeasance of office or for any act or neglect on the part of any such officer or employee as will render him disqualified to act as Mayor, Police Justice, Police Commissioner, or officer or employee of the city under this act or laws of the State of North Carolina, and, upon a three-fourths vote of all the members of the Board of Aldermen, declare his office vacant and thereupon proceed to elect his successor; they may elect a Street Commissioner, City Attorney, Treasurer and Sanitary Inspector, neither of whom shall be of their number; they may elect such other officers and employees of the city as in their opinion is necessary for the proper government of the administration of the city affairs. They may fix the salaries of such officers not herein otherwise specified in such amount as the Board of Aldermen may deem just and proper.

To impeach any alderman.

By three-fourths vote to declare office forfeited.

To prefer charges against mayor and other officers.

By three-fourths vote to declare vacancy.

To elect street commissioner, city attorney, treasurer and sanitary inspector.

To elect other officers.

To fix salaries.

Powers as to streets.

(b) Ascertain the location, increase, reduce and establish the width and grade, regulate the repairs and keep clear the streets,

sidewalks and alleys of the city; extend, lay out, open, straighten, remove encroachments therefrom at the expense of the owner of the same, establish the width and grade, keep clean and maintain such streets as are now laid out in the city or any others that the board may determine to lay out; establish and regulate the public grounds, including Moore Square, Nash Square and Pullen Park, have charge of, improve, adorn and maintain the same; establish, maintain and govern athletic parks or other places of amusement therein; to provide for the planting and protection of the shade trees of the city and to prevent any injury or defacement of the same by any person whomsoever; regulate the speed of railroad locomotives, trains, electric cars, bicycles, automobiles, motor cars, the driving or riding of horses, and speed of all other vehicles on the streets of the city; regulate the charge for the carriage of persons, baggage and freight for hire, with power to license or prevent the same.

Public grounds.

Athletic parks and other places of amusement.

Shade trees.

Regulate speed on streets.

Charges for carriage of persons, baggage and freight for hire.

(c) Prohibit vagrancy and street begging, impose punishment or penalties on such persons who habitually refuse to follow some useful trade or profession without adequate means of support, whether male or female, above the age of fourteen years.

Vagrancy and street begging.

(d) To regulate, control, tax, license or prevent the sale of spirituous liquors.

Sale of liquors.

(e) To regulate, control, tax, and license all franchises, privileges, business, trades, professions, callings or occupation which are now or may hereafter be taxed by the laws of the State of North Carolina by imposing a franchise, license or privilege tax upon each and every of the aforesaid mentioned subjects in such amount as the Aldermen may deem proper, not to exceed one thousand dollars.

Franchises, privileges, business, trades, professions, callings or occupations.

(f) They may provide for the proper observance of the Sabbath, and for the preservation of peace, order and tranquility of the city.

Observance of Sabbath and preservation of order.

(g) They may provide a Board of Health with prescribed powers and duties, whose jurisdiction shall extend in the corporate limits of the city of Raleigh and within the boundaries of Raleigh Township; and for ways and means for the collection of vital statistics.

Board of health.

Jurisdiction.

Vital statistics.

(h) They may provide and furnish for the use of the city of Raleigh and its citizens an adequate water and electric light supply and service by granting a franchise and making contracts with independent corporations furnishing such utilities, or by purchasing or erecting a water plant or electric light plant to be owned by the city, with power to supply, furnish and sell water and electric lights and power to the citizens of the city of Raleigh. And should the Board of Aldermen determine to buy or build and construct a water and electric light plant, to be owned by the city, they shall have power and authority to issue the bonds

Water and electric light supply.

Bonds for water and light plants.

of the city of Raleigh in such amount and to run for such a length of time, not to exceed forty years, as the Board of Aldermen may determine, and negotiate and sell the same in order to raise sufficient funds for carrying into effect the provisions of this section.

Public schools and educational facilities.

(i) They shall have power to promote the establishment and maintenance of public schools and educational facilities by the acquisition of land, erection of buildings thereon and the equipment thereof in the corporate limits of the city; to contribute to the support of such public hospitals, libraries, military companies, military bands and public charities as shall be deemed advisable by the Board of Aldermen.

Hospitals, libraries, military companies, military bands and public charities.

Sewerage.

(j) They may also construct or contract for the construction of a system of sewerage for the city and protect and regulate the same by adequate ordinances; and if it shall be necessary in obtaining proper outlet for said system to extend same beyond the corporate limits of the city, then in such case the Board of Aldermen shall have power to so extend it, and both within and without the corporate limits to condemn land for the purposes of right-of-way or other requirements of the system.

Extension of system beyond corporate limits.

Power to condemn land.

Fire companies.

(k) They may provide for the establishment, organization and equipment of fire companies, and shall provide rules and regulations for the government of the same; they shall have power and authority to disband any company whenever it shall be deemed necessary to do so for the best interest of the department. That in case of a fire the Mayor or Chief of the Fire Department and any two Aldermen of the city of Raleigh may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, or may cause the removal of any other property, for which neither they nor the city of Raleigh shall be responsible to any one for damages.

Powers in stopping fires.

Rewards for capture of criminals.

(l) They shall have power and authority to offer rewards for the capture and conviction of criminals and to exercise like powers in the premises in order to bring offenders against the laws of the State and the city ordinances to justice, when the offense is committed within the city of Raleigh or Raleigh Township, and to use any funds belonging to the city not otherwise appropriated to carry out this purpose.

Rules for marketing dairy products.

(m) They shall have power and authority to prescribe and adopt rules and regulations governing and controlling the production and marketing of milk and other dairy products sold within said city, and rules and regulations for the visitation, examination, inspection and condemnation of all premises, stables, cows, milk and other dairy products, utensils and other property and things situate in the city or in Raleigh Township and used in connection with the production and marketing of milk and other dairy products sold within said city, and to prescribe and fix

Fines and penalties for violation of rules.

fines and penalties for the violation of any of said rules and regulations, and to license the sale of milk and other dairy products within said city. License.

Sec. 59. The members of the Board of Aldermen shall be paid a salary of one hundred dollars per annum, each, in equal monthly instalments. Each Alderman must be a resident of the election precinct from which he is elected, and any Alderman who shall move out of his election district after his election shall forfeit his office as Alderman, and the Board of Aldermen shall at once fill the vacancy thus created. Salary of aldermen. Residence of aldermen. Removal to work forfeiture. Board to fill vacancy.

Sec. 60. All ordinances and resolutions when introduced before the Board of Aldermen shall be referred to the proper committee and shall not be acted upon until the next succeeding monthly meeting of the Board of Aldermen: *Provided*, that the Board of Aldermen by a unanimous vote may suspend the operation of this section and take action upon any ordinance or resolution at the meeting at which the same is introduced. Ordinances and resolutions referred to committees. To be acted on at subsequent meeting. Proviso: suspension of section by unanimous vote.

Sec. 61. That they may from time to time, for the purpose of grading, paving and otherwise improving the streets of the city of Raleigh, create and establish "assessment districts" within said city, and they may require every owner of real estate abutting the streets in any of the said districts to pave one-fourth of the street fronting such lot in such manner and with such material as the Street Commissioner of said city may at the same time pave one-half thereof, and to enforce such requirement by proper fines and penalties; and upon the failure of such owner to do such paving, after twenty days' notice given by the Chief of Police to said owner, or, if he be a non-resident of Wake County, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then, after publication of a notice by the Chief of Police for ten days in some newspaper published in said city notifying said owner to do such paving, the city of Raleigh may have the same done, and the cost thereof may be assessed upon said property, and entered upon the tax-list of said city against said property for the current year; and the said assessment so entered on said tax-list shall constitute a lien upon said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the city of Raleigh against said owner in the Superior Court of Wake County in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said city from the owner thereof as aforesaid. Grading and paving streets.

Sec. 62. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established and graded, shall improve, in such manner as the Aldermen may direct, such Lot owners to improve sidewalks.

sidewalk as far as it may extend along such lot, and on failure to do so within twenty days after notice by the Chief of Police to said owner, or, if he be a non-resident of the county of Wake, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then, after publication of a notice by the Chief of Police for ten days in some newspaper published in Raleigh, calling on the owner to make such repairs, the Aldermen may cause the same to be repaired, either with brick, stone, gravel or other material, at their discretion, and the cost thereof may be assessed upon said property and entered upon the tax-list of said city against said property for the current year; and the said assessment so entered on said tax-list shall constitute a lien upon said property, and the same may be collected either in the same manner that other taxes are collected or by any action instituted in the name of the city of Raleigh against said owner in the Superior Court of Wake County in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said city from the owner thereof as aforesaid.

Work done by city on default of owners.

Cost assessed against property.

Assessment a lien on property.

Procedure for collection.

License tax for surface privies.

Sec. 63. That they may levy a license tax not exceeding one dollar a year upon each and every surface privy within the corporate limits of said city and enforce the payment thereof by the occupant of the lot or premises, upon which such surface privy is maintained and used, by proper fines and penalties: *Provided*, that such occupant shall be thereby relieved from any and all liability as to the cleaning and condition of such surface privy, and the same shall be cleaned in a regular, systematic and sanitary manner by the city of Raleigh, under such laws, ordinances, rules and regulations as may be prescribed by the Board of Aldermen.

Proviso: cleaning by city.

Sanitary districts in Raleigh township.

Sec. 64. That they may from time to time, whenever the health of the city may demand the same, establish and create anywhere in Raleigh Township such sanitary district or districts as they may deem expedient; and the provisions of the foregoing section, as well as all sanitary laws, ordinances, rules and regulations, as may now or hereafter exist under the provisions of this charter, shall apply to the householders or occupants of the lots within said sanitary districts established as aforesaid as if the same were within the corporate limits and said occupants or householders residents of said city.

Sanitary laws, ordinances, rules and regulations to apply to such districts.

Abatement and prevention of nuisances.

Sec. 65. That they may require and compel the abatement of all nuisances within the city or within one mile of the city limits, at the expense of the person causing the same or the owner or tenant of the ground whereon the same shall be; they may also prevent the establishment within the city or within one-half mile of the city limits, and may regulate, if allowed to be

established, any slaughterhouse or place, or the exercise within the city or within one-half mile of the city limits of any dangerous, offensive or unhealthy trade, business or employment.

Animals running at large.
Firing of guns, pistols and explosives.

Sec. 66. That they may prohibit and prevent by penalties the running at large of dogs, hogs, cattle and other brutes; and also the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the city.

Establishment and regulation of markets.
Scales and weighmaster.
Keeper of market.

Sec. 67. That they may establish and regulate the market and prescribe at what time and place and in what manner within the corporation marketable articles shall be sold; in what manner, whether by weight or measure, may be sold grain, meal, flour (if not packed in barrels), fodder, and unbaled hay or oats in straw; may erect scales to weigh the same, appoint a weighmaster and fix his fees and direct by whom they shall be paid; appoint a keeper of the market, prescribe his duties and fees, and shall also have power to prevent forestalling and regrating.

Public buildings.
Fire districts.

Sec. 68. That they may establish all public buildings necessary and proper for the city and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger by fire.

Building permits.
Fee for permit.

Sec. 69. That they may require the owner or lessee of any lot or premises within the city who shall desire to erect a building thereon, or to add to, remodel or alter any building or buildings already built thereon, or make other improvements on the same, if said buildings, additions, alterations or other improvements shall cost the estimated sum of one hundred and fifty dollars, to take out a building permit before the Clerk of said city, for which a fee not exceeding twenty-five cents may be charged, under such rules and regulations as may be prescribed by ordinances and to enforce the same by proper fines and penalties against said owner or lessee.

Building inspectors.
Chief of fire department chairman.
Regulations of construction, wiring, plumbing and draining.

Sec. 70. They may appoint a Board of Building Inspectors, to consist of not less than two freeholders of the said city, to which the Chief of the Fire Department shall be added as chairman *ex officio*, and prescribe the duties of said Board of Building Inspectors, and provide by ordinances such rules and regulations concerning the construction of buildings within the corporate limits of the city, electric-light wiring and apparatus, and plumbing and draining of same, with a view of protecting life and health in case of fire, accident or other causes, as they may deem necessary, and enforce the same by proper fines and penalties; and this section of the charter shall apply to buildings already constructed.

Cemeteries.
Bills of mortality.

Sec. 71. That they may provide graveyards in or near the city and regulate the same; may appoint and pay a keeper and compel the keeping and return of bills of mortality; and they may prohibit further interments in the city cemetery.

Quarantine powers.

Sec. 72. That they may take such measures as they may deem effectual to prevent the entrance into the city or the spreading therein of any contagious or infectious disease, may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the city, or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease, and in case any person shall be removed to the hospital the corporation may recover of such person before the Police Justice the expense of his removal, support, nursing and medical attendance, and burial expenses in case of death.

Removal of infected persons.
Removal or destruction of infected articles.
Expense of removal to hospital to be recovered.

REVENUE.

Moneys paid into city treasury.

Sec. 73. That all moneys arising from taxes, fines, penalties, forfeitures or any other sources whatsoever shall be the property of the city and be paid into the city treasury, where it shall remain until lawfully appropriated by a majority of the Board of Aldermen in specific items for the exclusive use and benefit of the city and the people resident therein, unless otherwise expressly provided in this act.

Taxing power.

Sec. 74. That in order to raise a fund for the expenses incident to the proper government of the city, the Aldermen may annually levy and collect the following taxes, namely:

Property tax.

(1) On all real and personal property within the corporation limits, including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the General Assembly, *ad valorem*, except incomes, a tax not exceeding one dollar on every hundred dollars value.

Poll tax.

(2) On all taxable polls resident in the city on the first day of June of each year, or so resident within sixty days preceding that day, a tax not exceeding three dollars a poll.

Attachment and garnishment.

(3) That in the collection of all city taxes upon property or polls the general law of the State regulating attachment and garnishment shall be applicable, and the Police Justice, Chief of Police and members of the police force shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such case.

(4) Upon every omnibus used for the carriage of persons for hire a license tax not exceeding fifty dollars a year; and upon every hack, carriage or other vehicle, including express wagons used for the carriage of persons or baggage for hire, and upon every dray used for the transportation of freight or other articles for hire, a license tax not exceeding ten dollars a year; and a discrimination shall be made between one and two horse vehicles. Tax on: Omnibus, Hack, carriage or vehicle for hire.

(5) Upon all male dogs kept in the city and which may be so kept on the first day of June, a tax not exceeding three dollars, and upon every bitch not exceeding ten dollars. Male dogs. Bitches.

(6) Upon all swine and goats not prohibited by the Aldermen to remain in the city, when confined, a tax not exceeding five dollars a head. Swine and goats.

(7) Upon all encroachments on the streets or sidewalks by porches, piazzas, stairways, passages or other projections or excavations suffered or allowed by the Aldermen, a tax not exceeding two dollars nor less than fifty cents per square foot. Encroachments on streets.

(8) Upon every express company and upon every telegraph or telephone company doing business in the city a tax not exceeding one per centum of its gross receipts in the city, derived from business not interstate, to be given in upon oath by the managing agent of such company annually at the time when other taxes are listed, and under the same penalty as that prescribed in the laws of the State for the failure to give in. Express, telegraph and telephone companies.

(9) Upon all shares and certificates of stock issued by every bank, banking association or other incorporated institution located within the corporate limits, whether such institution or banking association has been organized under the laws of this State or of the United States, *ad valorem* a tax not exceeding one dollar on every hundred dollars value: *Provided*, that the owners of such shares or certificates of shares of stock are residents of the city, and that the assessment shall be with regard to the value of the stock on the first day of June annually: *Provided further*, that the value of the property of such bank or association otherwise taxed by said city and its property exempt from taxation be deducted from the aggregate amount of such bank association's capital stock. Shares of stock in banks or other corporations. Proviso: owners of stock residents of city. Proviso: property otherwise taxed.

(10) Upon every stud-horse, jackass or bull used for the purpose of breeding within the corporate limits of said city, a license tax not exceeding twenty-five dollars a year. Stud-horse, jackass or bull.

Sec. 75. That the citizens of Raleigh, and others liable to be taxed under this charter, shall, on the day prescribed for listing State and county taxes, render on oath to the Clerk of the city, or to such other person as the Board of Aldermen may select, who is hereby constituted a commissioner of affidavits for that purpose, on a blank to be prepared and furnished by the Board Lists of property to be rendered.

of Aldermen, a list of their property and subjects for which they may be liable to be taxed under all the rules and penalties prescribed in this charter. The list shall state the age of the party with reference to his liability to a poll tax, and shall also contain a verified statement of all the real and personal property of every kind and such interest and estates therein as are taxable; moneys, credits, investments in bonds, stocks, joint-stock companies, annuities, or otherwise, not herein excepted, and all other subjects taxed by this charter and by the General Assembly, in possession or under control or in charge of the person required to render said list, either as owner or holder thereof, or as parent, husband, guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor or otherwise. The party listing shall also swear to the true value of all property, choses in action and other subjects listed, except land, which oath shall be in the following form, to-wit: 'I, ...do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, information and belief; so help me, God." Any person making false return shall be deemed guilty of perjury. Property held in trust, or as agent, guardian, executor, or administrator, or in right of a *feme covert*, shall be returned on separate lists. Persons owning shares in incorporated companies within the city limits taxable by this charter are not required to deliver to the Clerk a list thereof, but the president or other chief officer of such corporation shall deliver to the Clerk a list of all shares of stock held therein, and the value thereof, and the tax assessed on shares of stock in such corporations shall be paid by the corporations respectively.

What list to contain.

Lists to be sworn to.

Form of oath.

False return perjury.

Property held in trust or as agent or fiduciary returned separately

Shares of stock not returned.

Lists filed by corporations.

Sec. 76. That all bridge, express, gas, manufacturing, street railroad and transportation companies, and all other companies and associations incorporated under the laws of this State, situate or having its principal place of business within the corporate limits of the city, shall, in addition to the other property required by this act to be listed, make out and deliver to the Clerk a sworn statement of the amount of its capital stock, setting forth particularly: First, the name and location of the company or association; second, the amount of capital stock authorized and the number of shares into which such capital stock is divided; third, the amount of capital stock paid up; fourth, the market value, or, if no market value, then the actual value of the shares of stock; fifth, the assessed valuation of all its real and personal property, which real and personal property shall be listed and valued as other real and personal property is listed and assessed under this charter. The aggregate amount

What to contain.

of the fifth item shall be deducted from the aggregate value of its shares of stock as provided by the fourth item, and the remainder, if any, shall be listed by the Clerk in the name of such company or corporation as capital stock thereof. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the Clerk to make such return or statement from the best information which he can obtain.

Clerk to make return on failure of company.

Sec. 77. That every bank (not incorporated), banker, broker or stock jobber shall, at the time fixed by this charter for listing personal property, make out and furnish the Clerk a sworn statement showing:

Returns of banks, bankers, brokers and stock jobbers.

(1) The amount of property on hand or in transit.

What to contain.

(2) The amount of funds in the hands of other banks, bankers, brokers or others, subject to draft.

(3) The amount of checks or other cash items not included in either of the preceding items.

(4) The amount of bills receivable, discounted or purchased, and other credits due or to become due, including accounts receivable and interest accrued but not due, and interest due and unpaid.

(5) The amount of bonds and stocks of every kind, State and county warrants and other municipal securities, and shares of capital stock of joint stock or other companies or corporations held as an investment or any way representing assets.

(6) All other property pertaining to said business other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act.

(7) The amount of deposits made with them by other parties.

(8) The amount of all accounts payable other than current deposit accounts.

(9) The amount of bonds and other securities exempt by law from taxation, specifying the amount and kind of each, the same being included in the preceding fifth item. The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credits. The aggregate amount of the ninth item shall be deducted from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

Sec. 78. That all the real and personal property of any railroad, or so much thereof as may be located within the corporate limits of said city, including road-beds, rights-of-way, main and side-

Railroad property to be listed by officers or agents.

tracks, depot buildings and grounds, section and tool houses, machine and repair shops, general office buildings and storehouses, rolling stock and personal property necessary for the construction, maintenance and successful operation thereof, shall be listed for purposes of taxation by the principal officers or agents of such companies with the Clerk or other person authorized to take said list in the manner provided by law for the listing and valuation of real and personal property under the rules, regulations and methods now or hereafter to be provided by the General Assembly of North Carolina for ascertaining and listing the value thereof.

Double tax for failure to list.

Sec. 79. That if any person or company shall fail to render to the Clerk the list of property and other taxables required to be rendered by this charter within the time prescribed for listing State and county taxes, such person or company shall pay double the tax assessed on any subject for which said person is liable to be taxed.

Person examined as to other property.

Sec. 80. That the Clerk or other person taking said list shall be particular to examine each person on oath as to whether he has other property than that stated in his return which he may claim

Exempt property entered and noted.

is not liable to taxation. Such property, except bonds of the United States and of this State, shall be entered and noted on the tax-list.

Clerk to make out tax books.

Sec. 81. That from the returns and lists made as provided by this charter the Clerk, or such other person as the Board of Aldermen shall select, shall, within thirty days after the expiration of the time for taking said lists, make out in a book kept or provided for that purpose an alphabetical list of the persons, companies and owners of property who have so made their returns in the same manner as tax-lists are made out by law for the State and county taxes. And the said Clerk or other person shall copy in the said book the assessments on file in the Register of Deeds' office for Wake County of all property within the city limits.

BOARD OF EQUALIZATION.

Board of equalization appointed.

Sec. 82. That in the month of May, one thousand nine hundred and seven, and biennially thereafter, the Board of Aldermen may appoint three discreet and proper persons from among the electors of the city of Raleigh, who are and have been owners of real estate and residents of the city for not less than twelve months, to be constituted and who shall constitute and be styled "The

Term.

Board of Equalization of the City of Raleigh"; and the persons so appointed shall continue in office for two years and until their successors are duly appointed and qualified, unless removed from office or otherwise incapacitated to hold office as herein provided. No member of the Board of Aldermen and no person holding an office or appointment under the Board of Aldermen shall be eligible or qualified to act as a member of the Board of Equalization.

Members to qualify.

Sec. 83. That before entering on their duties the members of said board shall take and subscribe before the Mayor or some justice of the peace the oath prescribed in section four of Article VI of the Constitution of the State, and cause the same to be filed in the office of the Clerk of said city.

Oaths to be filed.

Chairman.

Power to administer oaths and issue subpœnas.

Temporary chairman.

Sec. 84. That the said board shall elect from their number a chairman, who shall have power to administer oaths and issue subpœnas for witnesses to appear before the board, who shall be required to appear and testify under like pains and penalties as if summoned to the Superior Court. In the absence of the chairman at any meeting of the board a temporary chairman shall be chosen who, during such meeting, shall have and exercise the powers of the regular chairman.

Tax-list delivered to board.

Board to act conjointly with county commissioners.

Sec. 85. That as soon as the tax-list can be completed by the City Clerk, or other person authorized by the Board of Aldermen, the same shall be by him delivered to the Board of Equalization, if the Board of Aldermen shall see fit to appoint such board, which board shall have the power and it shall be their duty to act conjointly with the Board of County Commissioners of Wake County in equalizing the valuation of all property within the corporate limits of said city, and said boards conjointly shall have all the powers given to the Board of Commissioners of a county to revise a tax-list.

Boards to examine tax-lists.

Valuations to be equalized.

Sec. 86. That said boards shall conjointly and carefully examine the tax-lists of the city and county, and shall equalize the valuations of all property within the city limits, so that each tract or lot of land, or article of personal property, and all subjects of taxation shall be entered on the respective tax-lists of the city and county at its true value in money, and shall cause the respective tax-lists to conform as nearly as possible, and for this purpose they shall have power to increase, modify, add to and change the tax-lists as made out, so that the valuation of similar property throughout the city shall be as near uniform as possible, and in doing so they shall observe the following rules and shall have the following powers:

Power to change lists.

Valuation raised.

(1) They shall, after notifying the owner or agent, raise the valuation of such tracts or lots of real property or articles of personal property and all other subjects taxed by the charter as in their opinion have been returned below their true value to such price or sum as they may believe to be the true value thereof.

Valuation reduced.

(2) They shall reduce the valuation of such tracts and lots of real property or articles of personal property and other subjects taxed by the charter as in their opinion have been returned above their value as compared with the average valuation of the real and personal property of said city. In regard to real property, they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot and the uses thereof.

Property not listed inserted.

(3) Whenever said Board of Equalization shall have reasonable ground to believe that any person, company or corporation has failed to give in a true and accurate list of such personal property and other subjects taxable by the charter as he, it, or they are required to furnish, with the true value thereof, it shall be their duty to ascertain the same and insert the same and the true value thereof in the tax-list.

Powers of board.

(4) In performing the duties required of them the said Board of Equalization shall have power to subpœna, compel the presence of and examine witnesses and parties who list or fail to list, and send for and require to be brought before them and examine records, books, papers and such other things as they may deem proper to be used in evidence before them upon the same rules and penalties as are provided for Superior Courts.

Lists received from persons in default.

Fee.

(5) The said Board of Equalization, on tendering the prescribed oath, may take a list of any person, company or corporation applying to list his or its taxables at any meeting held on or before the first day of October, upon the applicant paying the Clerk twenty-five cents for recording the same; and in ascertaining the value of property and taxables thus listed said board shall have the same powers to investigate and ascertain the true value thereof as is herein given them in other cases.

Tax book delivered to tax collector.

When collection completed.

Penalty.

Sec. 87. That as soon as the tax-list can be completed the Board of Aldermen shall place the same in the hands of the Tax Collector for collection, who shall proceed forthwith in the collection and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the Treasurer. On the first day of December there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter until same are paid.

Stock or bank shares paid by cashier.

Sec. 88. The taxes imposed upon the shares or certificates of shares of stock in any bank or banking association (State or National) shall be paid by the cashier or other principal officer of such bank or banking association directly to the City Tax Collector within thirty days after notice from said Tax Collector of the amount of tax due, and upon the failure of said cashier or principal officer to pay the Tax Collector as aforesaid he shall forthwith institute an action against the bank or banking association for the recovery of the same in the proper court in said county of Wake.

Collection by distress.

Advertisement of sales.

Sec. 89. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the Collector shall proceed forthwith to collect the same by distress and sale, all sales to be made after public advertisement for the space of ten days in some newspaper published in the city if the property to be sold be personalty, and of twenty (20) days if the property be realty, or by posting a notice in four

public places within the city. And the said Collector shall have the right to levy upon and sell any personal property situated outside of the limits of the city, within the county of Wake, belonging to a delinquent taxpayer of the city, in order to enforce the payment of taxes due the city by said delinquent. Levy on property outside of city.

Sec. 90. That the tax due on any lot or other subdivision of land is hereby declared to be a lien on the same, and if it shall remain unpaid on the first day of December next after the assessment the Tax Collector shall either proceed to collect the same by levy and sale of personal property belonging to the owner of said lot or shall report the fact to the Aldermen, together with a description of the real estate, and thereupon the Aldermen shall direct the same to be sold at the court-house door in the city of Raleigh by the Collector. The Collector shall, before selling the same, make a full advertisement of the said real estate at the court-house door and at three or more public places in said city for twenty days, and shall also serve upon the owners thereof a written or printed notice of the taxes due and the day of sale; but such notice need not be given to any person having or claiming any lien on said land by way of mortgage or otherwise. Whenever the owners are not in the city, or for any cause cannot be served with notice, then the advertisement of real estate belonging to such owners shall be made for one week in some newspaper published in the city of Raleigh, and the Collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and he shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the Collector shall sell the whole; and if no person shall pay the whole of the taxes and expenses for the whole land the same shall be struck off to the city, and if not redeemed as hereinafter provided shall belong to the city in fee, and the owner or occupant may be dispossessed and evicted from said premises by the city or its assignee at any time by an action of ejectment. No sale of real estate in said city for the non-payment of taxes assessed against such real estate as appearing on tax-list aforesaid shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person impeaching such sale shall show that the taxes so appearing as assessed on such property, and all the penalties and costs accruing on such assessment and the proceeding for the sale, were paid at the time of the same. That the Collector shall return an account of his proceedings to the Aldermen, specifying the portions into which the land was divided and the purchaser or purchasers thereof and the price of each, which shall be entered

Tax a lien on real estate.

Sale of real estate for taxes.

Advertisement.

Notice to owners.

Notice by advertisement.

Land divided.

Sale of whole lot.

Land struck off to city.

Defect cured.

Collector to report proceedings.

Disposal of surplus.

on the book of proceedings of the Aldermen; if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury subject to the demands of the owner.

Power of redemption.

Sec. 91. That the owner of any land sold under the provision of this charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid and twenty-five per cent. on the amount of taxes and expenses, and the Treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Deed if property not redeemed.

Sec. 92. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns by deed executed under the hand of the Mayor and two Aldermen, attested by the corporate seal; and the recital in such conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Recitals of deed prima facie evidence.

Real estate of persons under disability.

Sec. 93. That the real estate of infants or persons *non compos mentis* shall not be sold for tax; and when the same shall be owned by such, in common with other persons free of such disability, the sale shall be made according to the provisions of the general law relating thereto.

Aldermen may remit penalties.

Sec. 94. The Board of Aldermen may authorize and direct the Tax Collector to remit any part, or all, of the penalty imposed upon taxpayers for failure to pay their taxes within the time prescribed, whenever the Board of Aldermen shall deem such remission equitable and proper.

Taxes collected by city clerk.

Sec. 95. That, in addition to the subjects listed for taxation, the Aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the City Clerk instantly, and if the same be not paid on demand the same may be recovered by suit, or the articles upon which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, namely:

Tax on: Itinerant merchants and peddlers. Exceptions.

(1) Upon all itinerant merchants or peddlers offering to vend in the city, a license tax not exceeding one hundred and fifty dollars a year, except such only as sell books, charts, maps, or wares of their own manufacture, but not excepting venders of medicine by whomsoever manufactured, and not more than one person shall peddle under a single license: *Provided*, that such itinerant merchants or peddlers shall comply with such rules and regulations as the Board of Aldermen may make in respect to the time, places and manner of vending under such licenses.

Proviso: peddlers to comply with regulations.

Pool and billiard room, bowling alleys, etc.

(2) Upon every pool and billiard room, bowling alley or alley of like kind, bowling saloon, bagatelle table, billiard or pool table, or table, stand, or place for any other game or play, wheels of

fortune or other games of chance, with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used or connected with such a house, or used or connected with a hotel or restaurant, or contiguous or adjacent thereto, a license tax not exceeding one hundred dollars for each table or alley or other subject therein mentioned.

License to sell liquors.

(3) Upon every permission by the Board of Aldermen to retail spirituous, vinous or malt liquors, a tax of twelve hundred dollars; and for every permission to sell spirituous, vinous or malt liquors in quantities of one quart and less than five gallons a license tax of four hundred dollars, and in quantities of five gallons or more a license tax of four hundred dollars: *Provided*, that they may issue a single license for the sale of beer only and charge therefor not exceeding three hundred dollars a year.

Proviso: beer license.

Circus riders or performers.

(4) Upon every company of circus riders or performers, by whatever name called, who shall exhibit within the city or within one mile thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition, and upon every side show connected therewith a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not, to be doubled.

Side shows.

Stage or theatrical plays and exhibitions of like character.

(5) Upon every person or company exhibiting in the city or within one mile thereof any stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing or menageries, a tax not exceeding fifty dollars for every three hours allowed for exhibiting, the tax to be paid before exhibiting or the same shall be doubled.

Exhibition of artificial curiosities.

(6) Upon every exhibition for reward of artificial coriosities (models of useful inventions excepted) in the city or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition or the same shall be doubled.

Exhibitions and concerts. Strolling musicians.

(7) Upon each show or exhibition of any kind, and on each concert for reward, in the city or within one mile thereof, and on every strolling musician, a tax not exceeding fifty dollars, to be paid before exhibition or the same shall be doubled.

Animals going at large.

(8) Upon every cow, goat or hog running at large in the city there may be levied a tax not exceeding three dollars, and upon every horse, mule or bull going at large a tax not exceeding ten dollars; and every such animal may be seized and impounded in an inclosure which shall be established and kept by the city therefor, and if the owner, on being notified, will not pay the tax, the animal shall be sold therefor at the pound after three days' notice at the court-house.

Dogs.

(9) Upon every dog which may be kept or brought into the city after the first day of June to be kept therein, a tax not exceeding two dollars for the permission to keep such dog in the city, which permission shall not extend further than the last day of May next ensuing.

Auctioneers.

(10) Upon every auctioneer or crier of goods at public auction, subject to the limitations provided in chapter six of the Revisal of one thousand nine hundred and five, a license tax not exceeding one hundred dollars a year.

Stock and bond brokers, etc.

(11) Upon every stock and bond broker, junk-dealer and pawnbroker, sewing-machine or bicycle company or agent for such company, dealer in or manufacturer's agent of musical instruments, keeper of sales stables or stock-yards doing business in the city, a license tax not exceeding two hundred dollars a year.

Lawyers, physicians, etc.

(12) Upon every lawyer, physician, dentist, cotton broker, billposter, street huckster, photographer, merchandise or produce broker, ice-dealer, dealer in wood and coal or either, insurance company or insurance agency for every company represented, and every skating rink or shooting gallery, a license tax not exceeding fifty dollars a year.

Surface privies.

(13) Upon every surface privy, as provided in this charter, a license tax not exceeding one dollar a year for each of said licenses, same to be collected by the Sanitary Inspector.

Other occupation, profession or business.

(14) Upon every other occupation, profession or business, not herein specially named, a license tax not exceeding one thousand dollars a year.

Auctioneers to give bond.

Sec. 96. That every auctioneer licensed by the Board of Aldermen shall give bond in the sum of five thousand dollars, with approved security, and shall be entitled to charge two and a half per centum commission on the amount of his sales, unless otherwise agreed between him and the owner of the goods sold; and every person who cries or sells goods at auction shall be considered an auctioneer.

Commission.

County commissioners not to grant liquor license without permission of city.

Sec. 97. That it shall not be lawful for the Commissioners of Wake County to grant any license to sell spirituous, vinous or malt liquors within the limits of the city, or within Raleigh Township, without permission in writing, attested by the clerk of the Board of Aldermen, and exhibited to the County Commissioners and filed with the clerk of the Board of County Commissioners; the same shall be utterly void and the person obtaining such license shall be liable to indictment as in other cases of selling without license, and for every offense of selling shall moreover forfeit and pay to the city the sum of one hundred dollars.

Condemnation of land.

Sec. 98. That when any land or right-of-way shall be required by said city of Raleigh for the purpose of opening new streets or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from

Procedure for condemnation.

the owner or owners, the same may be taken at a valuation to be made by three freeholders of the city, to be chosen by the Aldermen, who shall receive a per diem of one dollar each; and in making said valuation said freeholders, after being duly sworn by the Mayor, or a justice of the peace of the county, or a clerk of a court of record, shall take into consideration the loss or dam-

age which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of the valuation of said land or right-of-way: *Provided, nevertheless*, that if any person over whose land the said street may pass, or improvement be erected, or the Aldermen, shall be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next Superior Court of Wake County to be held thereafter; and the said freeholders shall return to the Court to which the appeal is taken their valuation, with the proceedings thereon; and the land so valued by the freeholders shall vest in the city so long as it may be used for the purposes of the same as soon as the valuation may be paid or lodged in the hands of the Clerk of the Superior Court (in case of its refusal by the owner of the land): *Provided further*, that in case of the discontinuance of the use of the land and its reversion to the owner, the city may remove any improvement erected under its authority and expense within sixty days of such reversion.

Appeal.

Proviso: removal of improvement on reversion.

Sec. 99. That no basement, cellar, area, passage, entrance or other opening shall be excavated, made, built or permitted to remain under any sidewalks; nor shall any veranda, piazza, platform, entrance, stairway, passage, building or other projection or construction whatsoever be permitted to occupy any space on or over any sidewalk in the city whereby the free passage of persons may be hindered, obstructed, delayed or in anywise endangered, unless permission be granted by the Board of Aldermen by resolution or ordinance.

Obstruction of streets.

Sec. 100. That all the books, records, documents and papers of every name and nature belonging to the city government, or to the officers thereof in the performance of their official duties, shall be open to the inspection of any citizen and tax-payer of the city at all times during ordinary business hours.

Books, records and documents open to inspection.

Sec. 101. That on the first Monday of March in each year all of the officers of the city shall make out and file with the City Clerk a fair transcript of all receipts and disbursements in the departments over which they preside; all the officers of the city having any of the property of the city in their charge shall report an inventory of the same, and each committee of the Board of Aldermen shall submit annual reports, all of which the Board of Aldermen shall cause to be printed in book form for the general information of the citizens.

Annual reports of receipts and disbursements.

Inventories of property.

Annual reports of committees.

Sec. 102. The Attorney for the city of Raleigh shall be the legal adviser of the said city, conduct and defend suits brought for or against same, and shall perform such other duties relating to his

City attorney.

official position as may be prescribed by the said Board of Aldermen.

No mayor, alderman or other officer to contract with city.

Sec. 103. That no Mayor or Alderman or other officer of the city shall directly or indirectly become a contractor for work to be done or materials to be purchased by the city.

CRIMES AND PENALTIES.

Sec. 104. That in addition to the crimes and penalties hereinbefore enumerated, and in addition to the crimes and penalties denounced by the Public Laws of North Carolina applicable hereto, are these:

Punishment for sojourners attempting to register and vote, or registering or voting, and their aiders and abettors.

(1) Any person who, having entered, sojourned and remained in the city of Raleigh in the capacity of a State or county officer, clerk or employee; or as a teacher, student or employee of any public or private school therein; or as an officer, employee or inmate of any hospital, asylum, Soldiers' Home or other institution of temporary employment, residence or detention whatsoever, and while so sojourning or remaining in any such capacity shall offer or attempt to register as a voter or to vote therein, or who shall register or vote therein; and any person who shall advise, counsel, aid or assist any such person to register or to vote therein; and any registrar, judge, poll-holder or other officer of registration or election in the city whatsoever, who shall wilfully or knowingly register the name or poll the vote of any such person, or permit it to be done in his precinct, shall for every such offense forfeit and pay a fine of fifty dollars or be imprisoned at hard labor thirty days; and if at the expiration of thirty days from the filing of authentic information of such offense before the Police Justice he shall have failed to prosecute the offender or to enforce the penalty herein provided, then any elector who will first sue in the name of the city before the Police Justice or the Superior Court of Wake County may recover such fine or fines to his own use and enforce the payment thereof and of the costs as herein provided in case of non-payment to the city.

Penalties to use of person suing for same.

Officer neglecting duty to be removed.

(2) Every Mayor or other officer of the city of Raleigh who shall fail, neglect or refuse to attend at and keep open his office for transaction of official business as required by this act, without good and sufficient reasons satisfactory to the Board of Aldermen, shall be removed from office by the Board of Aldermen, three-fourths of the members concurring therein.

Mayor or alderman failing to call and provide for election.

(3) Any Mayor or member of the Board of Aldermen who shall fail, neglect or refuse in due time to call and provide for the election by the people of the city officers and for other purposes prescribed in this act; every officer of the city of Raleigh who shall fail, neglect or refuse to keep proper books of account showing all their transactions with the city or to make proper

Officer failing to keep proper books.

returns and reports thereof, or to keep the books of his office open to public inspection, or to turn over and account for all the proceeds of all the fines, penalties and forfeitures imposed by the Police Justice as required by the provisions of this act; or who, having been elected to the office of Mayor, Alderman or other officer of the city with his full knowledge and consent, shall fail, neglect or refuse to qualify; or who, having been elected to such office, shall enter upon duty, or attempt to do so, without having first taken, subscribed and filed with the Clerk of the city the oath of office, or given bond (if any) required by the provisions of this act, shall be guilty of a misdemeanor, and, upon satisfactory proof thereof before the Police Justice, or before the Superior Court of Wake County in case the Police Justice be accused, shall be adjudged to pay a fine not exceeding two hundred dollars or to be imprisoned not exceeding three months.

Or failing to pay over moneys.

Or having been elected shall fail to qualify.

Or shall enter on duty without qualifying.

Guilty of misdemeanor. Punishment.

(4) Any Alderman of the city who shall fail, neglect or refuse to attend any regular meeting of the board, or any special meeting called by a majority of the board in which he joined, or who, having had written notice by mail or otherwise of a special meeting of the board called by the Mayor or by a majority of the board in which he did not join, shall fail, neglect or refuse to attend such regular or special meeting, or give to the board on or before the next ensuing regular meeting thereof a satisfactory excuse therefor, shall forfeit and pay to the Chief of Police to the use of the city the sum of three dollars for each offense: *Provided*, that if any Alderman be absent from three successive regular meetings of the board without a satisfactory excuse therefor; it shall be the duty of the Board of Aldermen to declare his office vacant and proceed to elect his successor.

Forfeit on alderman for failure to attend meetings.

Proviso: repeated absence to work vacancy.

(5) Any Alderman or other officer of the city who shall vote for, support or contract any debt against the city for purposes other than the necessary current expenses of the city without the money in the treasury available for its payment; or who shall make any appropriation, donation, gift, sale, transfer or payment, directly or indirectly, of any money, property or credit of the city for any use or purpose other than for the exclusive use and benefit of the city of Raleigh and of the people resident therein, unless herein otherwise provided, shall be guilty of an infamous crime, and, upon conviction thereof in the Superior Court, shall be adjudged to pay a fine not less than one thousand dollars nor more than five thousand dollars, or to be imprisoned not less than one year nor more than five years, or both such fine and imprisonment, in the discretion of the Court, and shall be liable to an action at law for the recovery of the whole amount so unlawfully contracted or misappropriated, paid or transferred.

Alderman voting for or officer supporting or contracting debt.

Or make misappropriation of city funds.

Guilty of infamous crime. Punishment.

Liable to action for recovery.

(6) Any person whose duty it shall be, as principal, agent, attorney, trustee, officer or otherwise for an individual, company, association, corporation or otherwise, to make return, list or

Miscellaneous misdemeanors.

report property or poll for taxation under the provisions of this act, who shall fail, neglect or refuse to list the same, or shall list the same in the name of any other than the true owner; or who, being interrogated by the Clerk or other person authorized to take the tax-list or any member of the Board of Equalization respecting such property, shall refuse to answer or shall answer falsely concerning the same; or shall refuse to fill out, subscribe and make oath to his returns of such property or poll for taxation; and any persons who shall interfere and by threats, force or violence prevent or attempt to prevent the lawful removal of any person into any hospital within or without the city by the authorities thereof; or who shall excavate, construct, build, use, keep or maintain any cellar, basement, area, passage, entrance or way under any sidewalk, or build, construct, keep, use or maintain any veranda, piazza, platform, building or stairway or other projection or construction upon or over any sidewalk in the city whereby the free and safe passage of persons may be hindered, delayed, obstructed or in any way endangered, or who shall engage in the business of an auctioneer or the keeping of a bucket, junk or pawn shop, or the sale of spirituous, vinous or malt liquors, without having first taken out a license therefor; or who, being a resident freeholder, shall refuse to serve as such as for the condemnation of land when thereunto required by the Board of Aldermen, shall be guilty of a misdemeanor, and, upon satisfactory proof before the Police Justice, shall be adjudged to pay for every such offense a fine not exceeding two hundred dollars or be imprisoned not exceeding six months.

Punishment.

Injury or obstruction of view of boundary lines, marks or monuments a misdemeanor.

(7) Any person who shall remove, deface, injure or destroy any monument placed at the central intersection or prolongation of the line of any public street, or on the line of any ward, or on the exterior lines and points of intersection of the corporate limits of the city, or who shall place or maintain upon any of said lines or any of the prolongations of the public streets of the city to the exterior boundaries any obstruction to the line of sight from any one corner, intersection, monument or natural elevation thereof, or who shall aid, advise or procure any such removal, defacement, injury, destruction or obstruction, shall be guilty of a misdemeanor, and, upon conviction thereof before the Police Justice, he shall forfeit and pay for every offense the sum of fifty dollars; and in addition thereto for every day in which such obstruction is maintained after five days' notice to remove the same he shall forfeit and pay the sum of five dollars, and he shall be imprisoned until such fine or fines and the costs are paid by work upon the public streets, roads or other works of the city or county at the rate of one dollar a day. And one-half of all such fine or fines shall go to any complainant or informer, other than a city official, who shall also furnish evidence sufficient to convict the offender.

Punishment.

Continuous offense.

Imprisonment in default of payment.

One-half of fines to informer.

(8) That any person not lawfully authorized who shall give or knowingly cause to be given any false alarm of fire by means of the fire-alarm telegraph of said city, or who shall wilfully and deliberately injure any part of the same, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not exceeding one hundred dollars or imprisoned not exceeding sixty days. False alarm of fire. Injury to fire-alarm system. Misdemeanor. Punishment.

(9) Any person who shall keep in the city of Raleigh or in Raleigh Township a bawdyhouse, a disorderly house, house of ill fame or house in which prostitution, lewdness, or illicit sexual connection is permitted, shall be guilty of a misdemeanor, and, upon conviction thereof, shall for every offense be fined not less than one hundred dollars or imprisoned not less than sixty days; and each day for which such house is so kept shall constitute a distinct and separate offense. Bawdyhouses and houses of like character. Misdemeanor. Punishment. Continuous offense.

(10) Every owner of any real property in said city or township, or of any estate therein, or agent of such owner who shall lease, use or permit the use of the same for a bawdyhouse, disorderly house, house of ill fame or as a place where prostitution, lewdness or illicit sexual connection is carried on or allowed, or shall continue to lease the same to any tenant who uses the same or permits its use for any of said purposes, or shall knowingly suffer any person or persons to use it for any of said purposes when it is within his right or power to prevent such use, shall be guilty of a misdemeanor and upon conviction shall for every offense be fined fifty dollars or imprisoned thirty days, and each day for which the same is so used or permitted to be used shall be and constitute a distinct and separate offense. Leasing or permitting use of house for bawdyhouse a misdemeanor. Punishment. Continuous offense.

Sec. 105. That all penalties or forfeitures imposed under the provisions of this act, or imposed for the violation of any ordinance, by-law, rule or regulation of the Board of Aldermen, unless herein otherwise provided, civil in their nature, shall be recoverable before the Police Justice in a civil action in the name of the city of Raleigh, and all such penalties or forfeitures incurred by any minor over the age of twelve years shall be recovered from the parent, guardian or master of such minor. Forfeitures civil in nature. Recovered by civil action. Penalties on minors.

OF OFFICIAL BONDS AND SECURITY.

Sec. 106. That each of the following-named officers shall, before entering upon duty, give a good and sufficient bond conditioned for the faithful performance of the duties of his office, with one or more sureties justified in a sum not less than the penalties of the bond over and above all their just debts and liabilities and the exemptions allowed by law, to be approved and certified as satisfactory by the Board of Aldermen and certified by the Clerk as follows, to-wit: Officers to give bonds.

Chief of police. (1) The Chief of Police shall give a bond in the penalty of five thousand dollars.

City clerk. (2) The City Clerk shall give a bond in the penalty of two thousand dollars.

Street commissioner. (3) The Street Commissioner shall give a bond in the penalty of two thousand dollars.

Tax collector. (4) The Tax Collector shall give a bond in a penal sum not less than thirty-five thousand dollars.

Treasurer. (5) The Treasurer shall give a bond in a penal sum not less than thirty-five thousand dollars.

Commissioner of sinking fund. (6) The Commissioner of the Sinking Fund shall give a bond in a penal sum not less than twenty thousand dollars.

Sanitary inspector. (7) The Sanitary Inspector shall give a bond in the penalty of two thousand dollars: *Provided*, that the bonds herein provided for shall be given with such surety company as surety thereto as are now or may hereafter be allowed to execute similar bonds under the general laws of the State. Such bonds shall be carefully examined and certified anew by the Board of Aldermen annually during the month of May. If the security of any such bonds shall have become impaired, or if for any cause the security shall be adjudged insufficient to cover the amount of public money or other property in the custody of the officer, then the bond shall be renewed and the insufficient security shall be increased and the impaired shall be made good, but such renewal shall not make "cumulative," thereby doubling the penalty of the bond. And for any breach of any such bond by any officer required to give an official bond he shall be liable in an action on the same in the name of the city at the suit of the city or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty is recovered. That the bonds of the Tax Collector, Commissioner of Sinking Fund, the City Treasurer and Chief of Police be paid for by the city in addition to the salary allowed each respective officer.

Proviso: bonds may be given in surety companies.

Bonds paid for by city.

Salaries. Sec. 107. That in addition to the salaries, fees and allowances hereinbefore prescribed there shall be allowed the following:

Mayor. (1) To the Mayor, for his services to the city as such, per month, payable monthly by the city, one hundred dollars.

Police justice. (2) To the Police Justice a salary of twelve hundred dollars per year, payable in equal monthly instalments and additional fees and allowances for the issuing of such writs, processes, judgments and other lawful papers of his Court, such fees and allowances as justices of the peace and clerks of the Superior Court are entitled to receive for the performance of a like duty, to be taxed on the papers as part of the cost in each case, and paid by the State, county or person usually charged with the costs in like cases in courts of justices of the peace or the Superior

Fees.

Court, as the case may be. The fees provided for in this section shall be paid when collected into the City Treasury. Fees to use of city.

(3) To the Chief of Police, for his services to the city as such, per month, payable monthly by the city, one hundred dollars. For his services in the execution of process issued by the Police Justice and executed by him or members of the police force under the provisions of this act he shall be entitled to such fees and allowances as sheriffs and constables are entitled to receive for the performance of like duty, to be taxed on the papers as part of the costs in each case and paid by the State, county or person usually charged with costs in like cases in courts of justices of the peace or in the Superior Court, as the case may be, and in no event by the city, and shall be paid when collected into the city treasury. Chief of police. Salary. Fees. Fees to use of city.

(4) To the City Clerk, for his services to the city as such clerk, per month, payable monthly by the city, one hundred dollars. City clerk.

(5) To the Treasurer, for his services as such under the provisions of this act, a salary of three hundred dollars per annum, payable in equal monthly instalments. Treasurer.

(6) To any other officer prescribed or authorized by any of the provisions of this act, such salary as to the Board of Aldermen may seem just and proper, not exceeding that prescribed for like or similar service in this section. Other officers.

Sec. 108. That from and after the passage and ratification of this act the same shall be and remain the charter of the city of Raleigh; and all laws or parts of laws heretofore enacted in relation thereto, and not heretofore repealed, which are inconsistent with this act, are hereby repealed.

In the General Assembly read three times, and ratified this the 8th day of March, A. D., 1907.

CHAPTER 2.

AN ACT TO AMEND THE CHARTER OF THE WINSTON-SALEM SOUTHBOUND RAILWAY.

The General Assembly of North Carolina do enact:

Section 1. That section ten of the Private Acts of one thousand nine hundred and five, chapter thirty-four, page ninety-six, be amended so as to read as follows:

"Sec. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroads shall go, for the purchase of the land for the right-of-way, yards, shops, depots or other railway purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred Proceedings for condemnation of land.

and five, and amendments thereto; or may file a petition before the Clerk of the Superior Court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plot thereof, as provided for in Revisal of one thousand nine hundred and five. The Clerk of the Superior Court shall thereupon issue a summons or notice to the owner, with copy of petition and plot, returnable to a day certain after ten days' notice, and after a hearing shall, if sufficient cause is not shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and after being duly sworn, assess the damage of the land or right-of-way taken. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto; but general benefits pertaining to the public shall not be considered in reduction of damages. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises; said report shall be recorded in the office of the register of deeds, after approval by the clerk, and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court in term-time from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk."

Sec. 2. That section eleven of said act be amended to read as follows:

Limitation on power of condemnation.

"Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of not less than fifty feet on each side of their road-bed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; but for yards, shops and depots they may condemn as much land as may be necessary for such purposes and to properly care for the business expected to be handled by the company; and in all cases where lands or right-of-way have been condemned, and where the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and in such case within two years from the removal of such disabilities."

Mortgages.

Sec. 3. That section fifteen of said act be amended by striking out the word "coupon," in line three, and in line eight by inserting, after the word "mortgage," the words "or mortgages."

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1907.

CHAPTER 3.

AN ACT TO CHANGE THE CORPORATE NAME OF THE SALEM FEMALE ACADEMY.

The General Assembly of North Carolina do enact:

Section 1. That chapter thirty-one of the Private Laws of one thousand eight hundred and sixty-six, entitled "An act to incorporate the Salem Female Academy at Salem, in the county of Forsyth," be amended by striking out the word "Female," in lines nine and fifteen of said act, and by inserting after the word "Academy," in said lines, the words "and College," so that the corporate name of said institution shall hereafter be "The Salem Academy and College." The Salem Academy and College.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of January, A. D. 1907.

CHAPTER 4.

AN ACT TO AMEND THE CHARTER OF THE CABARRUS SAVINGS BANK, OF CONCORD, NORTH CAROLINA, THE SAME BEING CHAPTER 1, PRIVATE LAWS OF THE STATE OF NORTH CAROLINA, SESSION 1897, AND THE ACT AMENDATORY THEREOF, CHAPTER 16, PRIVATE LAWS OF THE STATE OF NORTH CAROLINA, SESSION 1899.

The General Assembly of North Carolina do enact:

Section 1. That the word "one," in line three, section three, chapter one, of the Private Laws of one thousand eight hundred and ninety-seven, be stricken out, and the word "three" inserted therein. Increase of capital authorized.

Sec. 2. That section five of chapter one, Private Laws of one thousand eight hundred and ninety-seven, shall be amended by striking out in line ten the words "a majority" and inserting in lieu thereof the words "six members." Quorum of directors.

Sec. 3. That the word "twelve," at the end of line five, in section one of chapter sixteen, Private Laws of North Carolina, session one thousand eight hundred and ninety-nine, be stricken out, and the word "eighteen" be inserted. Number of directors.

Sec. 4. That said Cabarrus Savings Bank may, under such rules and regulations as its board of directors may prescribe, Branch banks authorized.

establish, operate and control a branch of its said bank at any place in the State of North Carolina, and that said branch or branches, when so established, shall have all the rights, privileges and powers granted to the said Cabarrus Savings Bank.

Designation of branches.

Sec. 5. That when the directors of said Cabarrus Savings Bank shall establish a branch or branches in any town or towns, it shall be known and designated as the Cabarrus Savings Bank of the place in which said branch is established.

Drafts on branches.

Sec. 6. That all checks, drafts, or other orders for money drawn upon any branch shall be due and payable at the banking-house of said branch, and at no other place: *Provided*, that this act shall not release said Cabarrus Savings Bank, of Concord, North Carolina, from the debts and obligations of any of its branches.

Proviso: responsibility of parent bank.

Sec. 7. That all laws or parts of law in conflict with this act shall be and the same are hereby repealed.

Sec. 8. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of January, A. D. 1907.

CHAPTER 5.

AN ACT FOR THE RELIEF OF MRS. M. A. STRADLEY.

The General Assembly of North Carolina do enact:

To be paid for services as school-teacher.

Section 1. That the treasurer of the county school fund of Granville County be and he is authorized to pay to Mrs. M. A. Stradley, out of any unapportioned funds in his hands, the sum of nine dollars and sixty cents, balance due her for services as teacher in white school in Oxford Township, known as "Cotton Mill Public School."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 17th day of January, A. D. 1907.

CHAPTER 6.

AN ACT TO AMEND CHARTER OF THE SOUTHERN STATES TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporate name changed.

Section 1. That the corporate name of the "Southern States Trust Company" be and the same is hereby changed to "American Trust Company."

Sec. 2. That chapter two hundred and sixty-four of the Private Laws of one thousand nine hundred and one, and chapter seven of the Private Laws of one thousand nine hundred and three, be amended by striking out the words "Southern States Trust Company" wherever they occur in said chapters, and inserting in lieu thereof the words "American Trust Company." Corporate name changed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1907.

CHAPTER 7.

AN ACT TO VALIDATE A DEED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHPORT.

Whereas, by chapter fifty-one of the Private Laws of one thousand nine hundred and five, the Mayor and Board of Aldermen of the City of Southport were authorized to execute a conveyance to Pythagoras Lodge, No. 249, for the southern part of lots numbers seventy and seventy-one in the official plan of the said city of Southport, for a limited purpose; and whereas, it is desired by the said mayor and board of aldermen to convey the said property to the said lodge in fee-simple and without any reversion or limitation; and whereas, for and in consideration of such valid and sufficient deed in fee-simple for the said property the said lodge has conveyed by deed the leasehold interest in the northern part of the said lots to the Board of Education of Brunswick County for the White School District Number One, for purposes of public schools; and whereas, the said Mayor and Board of Aldermen of the City of Southport have executed a good and sufficient deed in form to the said lodge under date September the twentieth, one thousand nine hundred and six: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the deed executed by the Mayor and Board of Aldermen of the City of Southport under date of September the twentieth, one thousand nine hundred and six, to Pythagoras Lodge, No. 249, A. F. and A. M., for the southern half of lots numbers seventy and seventy-one, according to the official plan of the said city of Southport, be and the same is hereby validated, and the same declared to be a valid and sufficient deed in fee-simple for the land therein described. Deed declared valid.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of January, A. D. 1907.

CHAPTER 8.

AN ACT TO ALLOW THE TOWN OF SHELBY TO ISSUE BONDS FOR WATER-WORKS AND ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Aldermen of the Town of Shelby is hereby authorized and empowered to issue bonds in the name of the corporation of the town of Shelby in such denominations and forms as may be determined by the said board of aldermen,

Amount.

to an amount not exceeding one hundred and fifteen thousand dollars ($115,000), payable at such times and places as the board

Proviso: time of payment.

of aldermen may prescribe: *Provided*, that the time and payment of such bonds shall be not less than thirty (30) and not more than fifty (50) years from their date.

Interest.

Sec. 2. That the said bonds shall bear interest at a rate not exceeding five (5) per centum per annum, and the interest shall be made payable annually or semi-annually, as the board of aldermen may prescribe; and if said bonds, when issued, are made to

Not to be sold below par.

bear five (5) per cent. interest, they shall not be sold, hypothecated or otherwise disposed of for less than their par value.

Bonds, how authenticated.

Sec. 3. That the said bonds shall be signed by the Mayor of the Town of Shelby, and attested by the treasurer of said town, and sealed with the corporate seal of the town of Shelby, and the coupons on said bonds shall bear the engraved or lithographed

Special tax for interest.

signature of the said treasurer. That the Board of Aldermen of the Town of Shelby are hereby required and directed to levy and collect, in addition to all other taxes in said town, a tax upon all taxable property and polls of the said town of Shelby, sufficient to pay the interest on the said bonds as the same becomes due, or

Special tax for payment.

the coupons on said bonds as they become due, and also on or before the time when the principal of said bonds becomes due, to levy and collect a further special tax to pay for same, or to provide for

Tax ad valorem.

the payment thereof. The tax so levied upon the property shall be an *ad valorem* tax, and the taxes upon the polls and the property to be in the proportion required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time and in the same manner as other taxes upon the property and polls of the town: *Provided*, that the taxes collected

Proviso: disposition of tax.

under this act for the purposes aforesaid shall be used for no

other purposes. It shall be the duty of the treasurer, as the said coupons are paid off and taken up by him, to cancel the same and report to the board of aldermen the number and the amount of the coupons so canceled. Coupons to be canceled.

Sec. 4. That the said bonds may be sold at public or private sale, with or without notice, as the board of aldermen of said town may determine, and the proceeds from the sale of said bonds shall be turned over to the treasurer of the said corporation of the town of Shelby, who shall give such bonds for the safe-keeping and disbursement of the said funds as shall be required of him by the Board of Aldermen of the Town of Shelby, and his compensation, both for receiving and paying out the said fund, shall be such as shall be fixed and determined by the said board of aldermen. The proceeds from the sale of said bonds shall be used for the purposes for which said bonds are to be issued as hereinafter recited, and shall be used for no other purpose: *Provided*, that the purchaser of said bonds shall not be required to see to the application of the purchase-money. Sale of bonds. Proceeds turned over to treasurer. Bond of treasurer. Compensation. Application of proceeds. Proviso.

Sec. 5. That the aforesaid bonds shall be issued for the purpose of building and constructing, maintaining and operating a system of water-works to furnish water for the use of the town and its citizens, and for building and constructing, maintaining and operating a system of sewerage for the use of the said town and its citizens; and the board of aldermen, in addition to the powers already conferred upon it by the charter of said town, in respect to the construction and maintenance of such system of water-works and sewerage, shall have the right and is empowered to regulate the distribution and use of water for all places and for all purposes, wherever the same may be required, and from time to time to fix a price for the use thereof, and the time of payment, and shall have full power and authority to require the payment in advance for the use or rent of the water furnished in or upon any building, place or premises, and in case prompt payment shall not be made, it may shut off water from such building, place or premises, after five (5) days' notice, and shall not be compelled again to supply said premises, building or place with water until the arrears, with interest thereon, shall be fully paid; and said board shall have power to make rules and regulations with respect to the introduction of water, or sewerage, into or upon any premises, and from time to time to regulate the use thereof in such manner as may seem to it necessary and proper. Purpose of bonds. Water-works. Sewerage. Additional powers to aldermen. Water rents.

Sec. 6. That the said board of aldermen shall not issue the aforesaid bonds, nor any of them, nor levy nor collect the aforesaid tax, until it shall have been authorized and empowered to do so by a vote of a majority of the qualified voters of the said town of Shelby at an election to be held at such time and place as the said board of aldermen shall appoint, of which election a notice Election on bonds. Notice of election.

shall be given by public advertisement for thirty (30) days prior to the day of election, in some newspaper published in the town of Shelby. At such election, those electors favoring the issue of said bonds and the levy and collection of said tax for the payment of the interest or coupons on said bonds, and for the payment of said bonds, shall vote a ballot with the words "For Water-works Bonds" written or printed thereon, and those electors opposing the issue of said bonds and the levy and collection of said tax shall vote a ballot with the words "Against Water-works Bonds" written or printed thereon. The said election shall be held as near as practicable in the manner prescribed for the election of mayor and aldermen of the said town of Shelby, as provided by the charter of the said town of Shelby. The original returns of the result of the election shall be made by the election officers, or one of their number appointed by them for that purpose, to the board of aldermen of said town, and said board of aldermen shall, within three (3) days after the said election, canvass the said returns and declare the result of the election, and the result of said election shall be inscribed upon the records of the said town. If at the election aforesaid a majority of the qualified voters of said town shall not vote in favor of issuing said bonds, then the board of aldermen of said town may at any time, and as often thereafter as it deems best—not oftener, however, than once in any one year—order another election on said question, to be held as near as practicable under the rules and regulations prescribed in the charter of said town for the election of mayor and aldermen of said town, and after thirty (30) days' public notice thereof, and at each of said elections the ballots shall be as hereinbefore directed; and if at any such elections a majority of the qualified voters of said town shall cast ballots in favor of the issuing of said bonds as aforesaid, then the said bonds shall be issued as may be required under the terms of this act, and the proceeds from the sale of said bonds shall be applied to the purposes and upon the terms and conditions hereinbefore stated in this act.

Form of ballots.

How election held.

Returns.

Result recorded.

Further elections.

Further bond issue authorized.

Sec. 7. That the Board of Aldermen of the Town of Shelby is hereby also further authorized and empowered to issue bonds in the name of the town of Shelby in such denominations and forms as it may determine, to an amount not exceeding ten thousand dollars ($10,000), payable at such times and such place as the board of aldermen may prescribe, said bonds to bear interest at no greater rate than five (5) per centum per annum, said interest to be payable annually or semi-annually, as the board of aldermen may prescribe, and said bonds in no case to be sold, hypothecated or otherwise disposed of for less than their par value, and to use the proceeds arising from the sale of said bonds for the purpose of buying, maintaining and operating an electric light or other lighting plant, for the purpose of furnishing light to said town

Amount.

Interest.

Bonds not to be sold below par.

Electric-light plant.

and its inhabitants as authorized in the charter of said town; and said board of aldermen may issue and sell said bonds in their discretion, and without the approval of said issue by a vote of the qualified electors. No election required.

Sec. 8. That the town of Shelby, through its proper officers and agencies, as provided in its charter, shall have the entire supervision and control of any and all of the plants and works established or purchased under this act, and shall have power to protect all of its rights-of-way, easements, water rights, plants and other property, by proper ordinances, and shall do all other things necessary to carry into effect the true intent of this act. Town to supervise and control works.

Sec. 9. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of January, A. D. 1907.

CHAPTER 9.

AN ACT TO AMEND CHAPTER 53, PRIVATE LAWS OF 1897, AS AMENDED BY CHAPTER 389, PRIVATE LAWS OF 1901, THE SAME BEING ENTITLED "AN ACT TO INCORPORATE THE TOWN OF ROANOKE RAPIDS IN HALIFAX COUNTY."

The General Assembly of North Carolina do enact:

Section 1. That section ten of chapter fifty-three, Private Laws of one thousand eight hundred and ninety-seven, as amended by section three of chapter three hundred and eighty-nine, Private Laws of one thousand nine hundred and one, be and the same is hereby amended by striking out the words "twenty-five," in line four of said section, and inserting in lieu thereof the words "sixty-six and two-thirds," and by striking out the words "seventy-five cents," in line five of said section, and inserting in lieu thereof the words "two dollars." Tax limit.

Sec. 2. That section three of chapter three hundred and eighty-nine, Private Laws of one thousand nine hundred and one, be and the same is hereby amended by striking out the word "two," in line seven of said section, and inserting in lieu thereof the word "five," and by striking out the words "four hundred," in line eight of said section, and inserting the words "one thousand." Tax for liquor license.

Sec. 3. That all laws and clauses of law in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of January, A. D. 1907.

CHAPTER 10.

AN ACT TO AUTHORIZE THE TOWN OF SHELBY TO ISSUE BONDS FOR A GRADED SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

Purpose of bonds.

Issue authorized.

Amount.

Proviso: time of payment.

Section 1. That for the purpose of paying for the new graded school building erected on the site of the old school building on West Marion Street in the town of Shelby, and for the purpose of equipping and furnishing same, the Board of Aldermen of the Town of Shelby is hereby authorized, empowered and directed to issue bonds of the said town of Shelby to an amount not exceeding thirty-five thousand dollars ($35,000), payable at such times and places as the board of aldermen may prescribe: *Provided*, that the time and payment of such bonds shall be not less than thirty (30) and not more than fifty (50) years from the date of issue.

Interest.

Sec. 2. That the said bonds shall bear interest at a rate not exceding five (5) per centum per annum, and the interest shall be made payable annually, or semi-annually, as the board of aldermen may prescribe, and if said bonds, when issued, are made to bear five (5) per cent. interest, they shall not be sold, exchanged, hypothecated, or otherwise disposed of for less than their par value.

Bonds not to be sold below par.

How bonds authenticated.

Sec. 3. That the said bonds shall be signed by the Mayor of the Town of Shelby, and attested by the treasurer of said town, and shall bear the corporate seal of said town of Shelby, and the coupons on said bonds shall bear the engraved or lithographed signature of the said treasurer.

Special tax for interest.

Special tax for payment.

Sec. 4. That in order to pay the interest on said bonds as the same becomes due, or the coupons on said bonds as they become due, the board of aldermen is required and directed to levy and collect, in addition to all other taxes in said town, a tax sufficient to pay said interest or coupons, and also, on or before the time when the principal of said bonds becomes due, to levy and collect a further special tax to pay for same, or to provide for the payment thereof. That the tax so levied upon the property shall be an *ad valorem* tax, and the taxes upon the polls and the property to be in the proportion required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time and in the same manner as other taxes upon the property and polls of the town, and turned over to the treasurer of said town: *Provided*, that the taxes collected under this act for the purposes aforesaid shall be kept separate and apart from the other taxes, and shall be used for no other purposes. It shall be the duty of the treasurer, as the said coupons are paid off and taken up by him, to cancel the same and report to the board of aldermen the number and the amount of the coupons so canceled.

Proviso: taxes kept separate.

Coupons to be canceled.

Sec. 5. That the said bonds may be sold at public or private sale, with or without notice, as the board of aldermen of said town may determine, and the proceeds from the sale of said bonds shall be turned over to the treasurer of the corporation known as the "School Committee of the Town of Shelby," the Treasurer of the Town of Shelby being the *ex officio* treasurer of the "School Committee of the Town of Shelby," who shall give such bonds for the safe-keeping and disbursement of the said fund as shall be required of him by the said "School Committee of the Town of Shelby," and his compensation, both for receiving and paying out said fund, shall be such as shall be fixed and determined by the said "School Committee of the Town of Shelby." How bonds to be sold. Proceeds to school committee. Bond of treasurer. Compensation.

Sec. 6. That the aforesaid bonds shall be issued for the purposes set forth in this act, and the proceeds arising from the sale of said bonds shall be used for paying for the erection and construction of the new graded school building on West Marion Street in the town of Shelby, and the equipment and furnishing of same, and for no other purpose, and said fund shall be expended under the supervision and direction of the "School Committee of the Town of Shelby," and upon vouchers of said committee, as provided in chapter four hundred and three (403), Laws of one thousand eight hundred and ninety-one (1891): *Provided*, that if any surplus remains in the hands of the said Treasurer, from the sale of said bonds, after paying for said school building, furnishings and equipment, then such surplus may be used for school purposes, as may be ordered and directed by the "School Committee of the Town of Shelby": *Provided further*, that the purchaser of said bonds shall not be required to see to the application of the purchase-money. Application of proceeds. Fund expended by school committee. Proviso: surplus for school purposes. Proviso.

Sec. 7. That the said board of aldermen shall not issue the aforesaid bonds, nor any of them, nor levy, nor collect the aforesaid tax, until it shall have been authorized and empowered to do so by a vote of a majority of the qualified voters of the said town of Shelby at an election to be held at such time and place as the said board of aldermen shall appoint, of which election a notice shall be given by public advertisement for thirty (30) days prior to the day of election, in some newspaper published in the town of Shelby. At such election, those electors favoring the issue of said bonds, and the levy and collection of said tax, for the payment of the interest, or coupons on said bonds, and for the payment of said bonds, shall vote a ballot with the words "For School Bonds," written or printed thereon, and those electors opposing the issue of said bonds and the levy and collection of said tax, shall vote a ballot with the words "Against School Bonds," written or printed thereon. The said election shall be held as near as practicable in the manner prescribed for the election of mayor and aldermen of the said town of shelby, as provided by Election to be held. Notice of election. Form of ballots. How election held.

Returns. the charter of the said town of Shelby. The original returns of the election shall be made by the election officers, or one of their number appointed by them for that purpose, to the board of aldermen of said town; and said board of aldermen shall, within three (3) days after the said election, canvass the said returns, and Result recorded. declare the result of the election, and the result of said election shall be inscribed upon the records of the said town. If at the election aforesaid a majority of the qualified electors of said town of Shelby shall vote "For School Bonds," then the bonds provided for in this act shall be issued and sold according to the Proviso: election officers. provisions herein contained: *Provided*, that if any other bond election shall be held in said town on the same day that the same election officers holding said election may be appointed to hold and may hold and conduct this election, as provided by this act.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of January, A. D. 1907.

CHAPTER 11.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF GASTONIA TO ISSUE BONDS IN THE SUM OF $100,000 FOR STREET IMPROVEMENTS, GRADED SCHOOLS, WATER-WORKS, SEWERAGE, ELECTRIC LIGHTS AND PAYMENT OF FLOATING DEBT.

The General Assembly of North Carolina do enact:

Purpose of issue. Section 1. That for the purposes of grading, paving and otherwise improving the streets and highways of the town of Gastonia, for erecting new graded school buildings and making improvements and additions to those already erected; for the extension of the system of water-works, sewerage and electric lights, and Bond issue authorized. for paying off the floating debt of the said town, the board of aldermen of the said town is hereby authorized and empowered Amount. to issue bonds of the town to an amount not exceeding one hundred thousand dollars ($100,000), bearing interest from the date thereof, not exceeding the rate of five (5) per centum per annum, with interest coupons attached, payable semi-annually. That the said bonds shall be made payable at such place and time as may Maturity. be determined upon by the board of aldermen, but the time of the payment of the principal of said bonds shall be fixed at not more Bonds not to be sold below par. than thirty (30) years. The bonds shall in no case be sold, hypothecated or otherwise disposed of by the board of aldermen

for less than par value, and the money arising from the sale thereof shall be used for the purposes above stated, and no other.

Election to be held.

Sec. 2. That said bonds shall not be issued until authorized by a majority of the qualified voters of the said town at a public election to be held at such time and place as the board of aldermen shall appoint, at which election those favoring the issue of said bonds shall vote "For Issue of Bonds," and those opposed shall vote "Against Issue of Bonds."

Law governing election.

Sec. 3. That said election shall be held in like manner and under the same rules and regulations, as they are pertinent and applicable, as other elections are held in the said town, except as otherwise provided herein.

New registration.

Sec. 4. That there shall be a new registration of said voters of the said town for the said election. It shall be the duty of the board of aldermen to appoint a register and to determine and to declare the time and place for the said election; and to give due notice of the said new registration, the name of the registrar and the time and place of the election, by publication of such notice in some newspaper published in the said town for at least thirty (30) days prior to the said election.

Notice of registration.

When election to be called.

Sec. 5. That the said election shall be called when the board of aldermen shall determine that the said sum of one hundred thousand dollars ($100,000), or any part thereof, is necessary for the purposes stated in this act, and shall pass an ordinance setting forth the purposes for which the same shall be expended and the amount to be expended for each purpose, whether such amount be for street improvement, graded schools, water-works, sewerage, electric lights or for the refunding of the floating debt.

How bonds authenticated.

Sec. 6. That if the powers hereby conferred and hereinbefore provided shall be exercised and a majority of the qualified voters of the said town shall vote for the issue of the said bonds, then the said board of aldermen shall issue the said bonds and they shall be signed by the mayor, attested by the treasurer of the town and sealed with the corporate seal of the town, and said bonds and their coupons shall be exempt from town taxation until after they become due, and the coupons shall be received in payment of town taxes.

Exempt from town taxation.

Coupons receivable for town taxes.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 12.

AN ACT TO AMEND THE CHARTER OF THE SOUTH AND WESTERN RAILROAD COMPANY.

Preamble. Corporation under general law.

Whereas, George L. Carter and others did, on the first day of December, one thousand nine hundred and five, in accordance with the statutes of the State of North Carolina in such case made and provided, make, sign, file, and cause to be recorded in the office of the Secretary of State of the State of North Carolina articles of association constituting them, and all persons who should afterwards become stockholders of such company, a corporation by the name of "South and Western Railroad Company"; and

Existing lines purchased.

whereas, the corporation so formed has heretofore acquired by purchase and conveyances to it a certain partially constructed line of railroad extending from Spruce Pine, Mitchell County, North Carolina, to a point five miles south of Marion, McDowell County, North Carolina, and a certain completed line of railroad extending from Spruce Pine, Mitchell County, North Carolina, to a point in Yancey County, North Carolina, on the line between the States of North Carolina and Tennessee, near where the Nolachucky or Toe River crosses said line; and whereas, the said South and

Amendments desired.

Western Railroad Company desires to obtain amendments to its charter to enable it to have perpetual succession, to change its route and termini, to acquire, by the exercise of the power of eminent domain, lands which may be needed for the new location of highways and streams, the course of which may be changed by the construction or relocation of the lines of railroad, to consolidate with any other existing, proposed or future railroad corporation in or out of this State, the existing, proposed or future lines of which connect, or shall when completed connect, with the existing, proposed or future lines of the South and Western Railroad Company by direct connection or by bridge, ferry or otherwise, or over any other line or lines constructed or to be constructed; to purchase, lease, construct, or otherwise acquire, maintain and operate any railroad property or franchises in or out of this State; to sell, lease, mortgage, and otherwise encumber or dispose of all or any part of its property and franchises in or out of this State; to authorize and empower any railroad corporation organized under the laws of this or any other State or States, or of this State and another or other States, or of the United States, to purchase or take a lease of all or any part of its properties and franchises, and by virtue of such purchase or lease to become a corporation of this State as to all properties so purchased or leased, and to confirm and ratify the purchases and acquisitions of properties heretofore made, and, in the judgment of the Legislature, the object of the corporation cannot be attained under general laws:

The General Assembly of North Carolina do enact:

Section 1. That George L. Carter, J. Crawford Biggs, J. Norment Powell, M. J. Caples, A. J. Edwards and J. M. Fergnson, and all persons who may be now or shall hereafter become stockholders of South and Western Railroad Company, and their successors, shall be and continue to be a body politic and corporate under the name of "South and Western Railroad Company." The said South and Western Railroad Company, by and in that name, shall have power to have perpetual succession and a common seal, which it may alter, renew or amend at its pleasure; to sue and be sued in any court of law or equity; to contract and be contracted with; to purchase, lease and otherwise acquire, hold and enjoy such real and personal estate as the purposes of the corporation shall require; to mortgage, pledge, lease, convey by way of deed of trust, and otherwise encumber, sell and convey all or any part of its real or personal estate, together with the franchises of such corporation in whole or in part; to borrow money, to make and issue its bonds, notes and other evidences of indebtedness, payable to bearer, or otherwise, and with or without interest coupons attached, for any debts or obligations incurred by it or for any purposes of the corporation, and to secure the same by mortgages or deeds of trust on all or any part of its works, property or franchises; to appoint such officers and agents as the business of the company shall in its opinion require, and to fix their compensation; to make ordinances, by-laws and regulations not inconsistent with the Constitution or laws of the United States or of this State, fixing and altering the number of its directors, the division of same, if desired, into classes, their authority and powers, and the duration of the terms of its officers and directors, for the certification and transfer of its stock, for the calling and holding of meetings of its members; and generally for the government of all under its authority, for the management of its estates, and the due and orderly regulation and conduct of its affairs; to purchase, hold, assign, transfer, mortgage, pledge or otherwise dispose of, guarantee and become surety in respect to shares of the capital stock of, and bonds, securities or evidence of indebtedness created by, any other corporation or corporations of this or any other State, and while owner of any such stock, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon; to wind up and dissolve itself, or to be wound up and dissolved, in the manner provided by law; to exercise all other powers granted to railroad corporations by the general laws of the State of North Carolina, and all powers conferred upon corporations by existing laws of the State of North Carolina, so far as not in conflict with this act, and by all acts hereafter passed amendatory thereof or supplemental thereto.

Corporators.

Corporate name.

Corporate powers.

Stock and securities of other companies.

To construct and operate railroad.

Sec. 2. That said company shall have power to construct, acquire, maintain and operate a railroad of any gauge, with one or more tracks, by such route as may be determined upon by its

Route and terminals.

board of directors, from a point on the line between the States of North Carolina and South Carolina, at or near a point one mile south of Island Ford, in Rutherford County, North Carolina, by way of the village of Bostic, in Rutherford County, through the counties of Rutherford, McDowell, Mitchell and Yancey, to a point on the line between the States of North Carolina and Tennessee near where the Nolachucky (or Toe) River flows across said

Purchases confirmed.

State line, and the purchases and acquisitions of railroads and other properties between said points heretofore made by said company are hereby ratified and confirmed.

Branch roads.

Sec. 3. The said company, when authorized by resolutions of its board of directors, may construct or otherwise acquire, maintain and operate any number of branches to its main line in this State, and may make an extension beyond either of its termini in this State, each such branch or extension not to exceed twenty miles in length; and, when authorized by resolutions of its stockholders, may make such branches or extensions, each not to exceed fifty miles in length.

May build branches before main line.

Sec. 4. Said company may, in its discretion, build any portion or all of its branches or branch lines or extensions before completing its main line, and may construct a part of its main line specified in paragraph two (2) hereof without completing said entire main line, and may build said lines by such routes as it deems most advantageous and expedient, and may change the location of its main line or branches at any time, and shall have the right to

Navigable streams.

cross navigable streams or canals on its route: *Provided, however,* a draw sufficient not to impede navigation is placed in its bridges

Main line to be completed.

over such streams or canals. In case any portion of said main line shall not be completed in six years from the passage of this act, the right of said company, or of any company in which or with which it shall be merged or consolidated, or of any other company, resulting from any such consolidation or to which it shall be leased, sold or conveyed, or which in any way shall succeed to or acquire the property and franchises of said South and Western Railroad Company, to construct such uncompleted portion shall cease, but the corporate existence and powers of said South and Western Railroad Company, or of any company in which or with which it shall be merged or consolidated, or of any other company, resulting from any such consolidation, or of any company which may in any way succeed to or acquire the property and franchises of said South and Western Railroad Company, so far as the completed road is concerned, shall not cease, but shall continue.

Telegraph and telephone lines.

Sec. 5. Said company shall have power to purchase, lease or otherwise acquire, and to construct, maintain and operate all nec-

essary and convenient telegraph and telephone lines in connection with and as a part of its business, so far as practicable on the right-of-way of such road.

Exclusive right of transportation.

Sec. 6. Said company shall have the exclusive right to carry and transport freight and passengers over and along its lines of railroad at such rates as said company shall prescribe, subject to such laws regulating the same as the General Assembly, or tribunals constituted thereby, may from time to time establish.

Capital stock.

Shares.

Sec. 7. The capital stock of said corporation shall not at any time be reduced to an amount less than six hundred thousand dollars ($600,000), par value, to be divided into shares of the par value of one hundred dollars ($100) each, and the capital stock of six hundred thousand dollars ($600,000) now authorized may be increased from time to time in the manner provided by law for increasing the capital stock of railroad companies, as the demands of the said company shall require.

Increase of capital stock.

May sell or lease property and franchise.

Sec. 8. Said company shall have power to sell, lease or otherwise dispose of all or any portion of its properties and franchises in or out of this State to any other railroad corporation, organized under the laws of this State or another State or States, or of this State and another or other States, or under the laws of the United States, and any railroad corporation organized under the laws of this State or another State or States, or of this State and another or other States, or under the laws of the United States, is hereby authorized and empowered to purchase or take a lease of, or otherwise to acquire, all or any part of the properties and franchises of said company: *Provided*, that any corporation so purchasing, acquiring or taking a lease, which is not incorporated under the laws of this State, shall, by virtue of such purchase, acquisition or lease, become vested with all the powers and subject to all the obligations of said company, as to the property and franchises so purchased, acquired or leased, including the power of eminent domain only as to lands needed to enable such purchaser to fully construct any portion of its road described in section two of this act, not constructed or completed at the date of such purchase, acquisition or lease: *Provided, however*, that any corporation, which is not a corporation of this State, so purchasing, acquiring or taking a lease, shall, by virtue of such purchase or lease, become a corporation of this State as to all properties and franchises so purchased or leased, and shall be subject to the laws and to the jurisdiction of the courts of North Carolina as fully as if incorporated under the laws of this State as to all causes of action and legal proceedings affecting and growing out of the properties and franchises so purchased, acquired or leased, and all other properties held or acquired by virtue of the powers herein conferred, and the operation and management of such properties.

Proviso: powers of purchasing company.

Proviso: purchasing company to become State corporation.

May purchase or lease other roads.

Sec. 9. Said company shall have power to purchase, lease or otherwise acquire, maintain and operate all or any part of the railroad works and property, in or out of this State, together with the franchises, rights and privileges, in whole or in part, of any railroad corporation organized under the laws of this State or another State or States, or this State and another or other States, or under the laws of the United States, and may extend any line of railroad, or any branch thereof that may at any time be owned or operated by it, into or through any other State, or into or through any reservation or other property owned by the United States, with the assent of such State or of the United States, as the case may be; and such extension may pass out of this State into any other State, or into any such reservation or property and back again into this State as often as may be necessary.

Merger or consolidation.

Sec. 10. Said company shall have the power to merge with or consolidate into a single corporation with any other corporations formed or to be formed, for the purpose of constructing, maintaining or operating a railroad under the laws of this or any other State or States, or this State and another or other States, or of the United States, the existing or proposed or future line of road of which corporation or corporations connects, or shall, when completed, connect with the existing or proposed or future lines of the South and Western Railroad Company by direct connection, or by bridge, ferry or otherwise, or over any other line or lines constructed or to be constructed, and which said consolidated corporation shall thereby become a domestic corporation of this State and be subject to its laws and to the jurisdiction of its courts, and may be either one of said merged or consolidated corporations, or a new corporation to be formed by means of such merger or consolidation, so that by virtue of the authority hereby given and the proceedings had pursuant thereto, such corporations shall be consolidated or merged, so that all property, rights, franchises and privileges by law vested in all corporations so merging or consolidating shall be transferred to and vested in the corporation into which such consolidation or merger shall be made or resulting therefrom. Such consolidation or merger shall be made in the following manner and under the conditions, provisions, restrictions and with the powers following, that is to say:

Consolidated corporation to become domesticated.

Method of consolidation or merger.

Agreement by directors.

(*a*) The board of directors of the several corporations proposing to merge or consolidate may enter into a joint agreement under the corporate seals of their respective corporations for the merger or consolidation of such corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation (if it be proposed to form a new one), or of the consolidated corporation, or the corporation into which said corporations are merged, as the case may be; the number, names, and places of residence of the directors and

principal officers of such new or consolidated corporation (who shall hold their offices until their successors be chosen or appointed, either according to law or according to the by-laws of the said corporation); the number of shares of the capital stock, with the par value of each share, of such new or consolidated corporation, and if the capital stock is to be divided into classes, the classes thereof, with the terms on which issued; the manner of converting the capital stock of each of said merging or consolidating corporations into the stock or obligations of such new or consolidated corporation, and in the case of the creation of a new corporation, how and when the directors and principal officers to succeed those named in the agreement shall be chosen or appointed; together with all such other provisions and details as to the boards of directors entering into said agreement shall seem necessary or convenient to perfect the merger or consolidation of said corporations.

Agreement submitted to stockholders.

(*b*) The agreement shall be submitted to the stockholders of each of said merging or consolidating corporations separately, at a meeting thereof to be called for the purpose of taking the same into consideration, of the time, place and general object of which meeting due notice shall be given by publication at least six times a week, for two successive weeks, in a newspaper published in or near the place where the principal office of this State of the corporation is located, or in the city of Raleigh, and if any of said corporations have no office in this State, as to such corporation in the city of Raleigh, and by mailing a copy of such notice at least ten days prior to such meeting to the last known post-office address of each of the stockholders of record; and at said meeting the said agreement shall be considered, and a vote by ballot, in person or by proxy, shall be taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if a majority of all the votes cast at each of such meetings shall be in favor of approving said agreement of consolidation or merger, then the fact shall be certified by the president, or one of the vice-presidents of the corporation, under the corporate seal, attested by the secretary, and said certificates, duly acknowledged by the president or vice-president signing the same, and by the secretary of the several corporations, before an officer authorized by the laws of this State to take acknowledgments of deeds, together with a copy of the agreement, shall be filed and recorded in the office of the Secretary of State, and when such certificate shall be filed for recordation in the said office, the said merger or consolidation shall be complete, and the merged or consolidated corporation may proceed to carry out the details of said merger and consolidation according to the terms of the agreement, and to transact and carry on the business for which it was formed.

Notice of meeting.

Vote by ballot.

Certificate of approval.

Effect of merger or consolidation.

(c) Upon the perfecting, as aforesaid, of the said merger or consolidation, the several corporations parties thereto shall be deemed and taken as one corporation, upon the terms and conditions and subject to the restrictions set forth in said agreement, and all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all property, real and personal, and all debts due on whatever account, as well of stock subscriptions as other things in actions, belonging to each of such corporations, shall be taken and deemed as transferred to and invested in such new or consolidated corporation without further act or deed, and all property, all rights-of-way, and all and every other interest shall be as effectually the property of the new consolidated corporation as they were of the former corporation parties to the said agreement; and the title to real estate, either by deed or otherwise, under the laws of this State vested in either corporation, shall not be deemed to revert or be in any way impaired by reason of this act: *Provided, however*, that the rights of creditors and all liens upon the property of either of said corporations shall be preserved unimpaired; and the respective corporations shall be deemed to continue in existence to preserve the same; and all debts, liabilities, and duties of either of said companies shall henceforth attach to said new or consolidated corporation and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it.

Proviso: rights of creditors and liens unimpaired.

Principal office.

(d) Such new or consolidated corporation shall, as soon as convenient after such merger or consolidation, establish a principal office in this State, giving public notice thereof in some newspaper published in the city of Raleigh, and filing a memorandum thereof in the office of the Secretary of State.

Suits against consolidated corporation.

(e) Suits may be brought and maintained against such new or consolidated corporation in any of the courts of this State in the same manner as against any other corporation formed under this act. Any action or proceeding pending by or against either of the corporations consolidated may be prosecuted to judgment as if such consolidation had not taken place, or the new or consolidated corporation may be substituted in its place.

Pending actions.

Additional powers under merger.

(f) In all cases of merger or consolidation of two or more corporations under and by virtue of the provisions of this act, the said new consolidated corporation shall, in addition to the rights, privileges and franchises referred to in clause (c) of this section, have all the powers and be subject to all the restrictions imposed upon corporations of the same class formed under the laws of this State, except so far as is inconsistent with this act; and said new or consolidated corporation shall be empowered to do and perform any and all things necessary to carry out and perform the agreement of merger or consolidation in the way of issuing bonds,

other evidences of debt, and securing the payment thereof by mortgage or deed of trust on all its works, property and franchises, or any part thereof, of issuing stock, or otherwise. Such new or consolidated corporation shall thereafter have the power to issue bonds, enter into obligations, secure such bonds or obligations by mortgage or deed of trust, or otherwise, increase and issue stock, and to again consolidate or merge with another corporation in the same manner and to the same extent as the first corporation recognized by this act shall or may have power to do.

Connection with other roads.

Sec. 11. Said company shall have power to cross, intersect, join and unite its railroad with any other railroad at any point on its route and upon the grounds of such other company, with necessary turn-outs, sidings, switches and other conveniences in furtherance of the object of its connections, and run parallel with any other railroad upon the grounds of such other company: *Provided*, such grounds be not necessary for the exercise of the franchise and the discharge of the duties of such other company; and said company may lay down and use tracks through any town or city along its proposed line with the consent of the corporate authorities for said towns and cities.

Proviso: limit to use of grounds.

Tracks through towns and cities.

Power to condemn lands.

Sec. 12. Said company shall have the power to acquire by purchase or, in the event of failure or inability to agree with the owner thereof upon the terms of purchase, by condemnation, such lands as it may deem necessary for its purposes and for the establishment and maintenance of terminals, roundhouses, machine and repair shops, viaducts and other structures in the cities, towns and counties along its proposed routes and for changes of any highways or streams which, in the judgment of its board of directors, it may be necessary to change in the construction of its proposed line of road, subject to the provisions of subsection five of section two thousand five hundred and sixty-seven of the Revisal of one thousand nine hundred and five.

Special powers not to limit general powers.

Sec. 13. Nothing in this act, giving particular and designated powers, rights and privileges to this company, shall or be construed to limit or abridge the powers, rights and privileges of this company given generally in section one of this act, or by the general laws of this State, or by the charter of the corporation amended by this act.

Competing or parallel roads.

Sec. 14. Nothing in this act shall empower or shall be construed to empower the South and Western Railroad Company or any successor corporation to purchase, or to take a lease of, or to sell, or to lease its property to, or to consolidate with, or merge into, any railroad corporation whose existing line may be parallel to or competing with any line or lines of the said South and Western Railroad Company, or any successor corporation.

Sec. 15. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1907.

CHAPTER 13.

AN ACT FOR THE RELIEF OF IRVIN NALL.

The General Assembly of North Carolina do enact:

To be paid $60.

Section 1. That the Treasurer of North Carolina is hereby authorized and directed to pay Irvin Nall, of Chatham County, the sum of sixty dollars ($60), to reimburse him for that amount paid by him as charges on the corpse of his son Thomas H. Nall, who died in August, one thousand nine hundred and five, at the State Hospital at Raleigh, and whose body was sent by express to Chatham County for burial. For the following items, to-wit:

Items of expense.

F. P. Brown, embalming body	$35.00
F. P. Brown, casket for body	15.00
F. P. Brown, burial clothes	5.00
Express charges for conveying body	5.00
Total	$60.00

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of January, A. D. 1907.

CHAPTER 14.

AN ACT TO REVISE, AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF LEXINGTON.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the inhabitants of the town of Lexington shall be a body politic and corporate, and in the name of the Board of Commissioners of Lexington shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and hold and convey real and personal property, and also to exercise the powers and privileges hereinafter given.

Corporate limits.

Sec. 2. That the corporate limits of said corporation shall be that territory embraced within the following boundaries, to-wit: Beginning at the junction of the Raleigh road with the Greensboro road on the south side of Raleigh road; thence along the Raleigh road on the south side of S. 30 deg. E. 19 chains, S. 49½ deg. E. 9½ chains; S. 69 deg. E. 14 chains; S. 30 deg. E. crossing the North Carolina Railroad 9¾ chains; S. 33 deg. E. 3½ chains all on south side of the Raleigh road to the road or street leading from Raleigh road to Nokomis Cotton Mills; thence S. 87½ deg.

W. on north side of said road 13 chains; thence S. 80 deg. W. on north side of said road 13½ chains, so as to leave out the Nokomis Cotton Mills; thence S. 3½ deg. E. 36 chains to a stake; thence S. 88 deg. W. 55 chains to a stake; thence S. 56 deg. W., so as to include D. K. Young's lots, 64 chains to line of Vic Humphrey's house lot; thence N. 71 deg. W. with line of his house lot 7 chains; thence S. 28 deg. W. 5.84 chains to a cedar on south side of North Carolina Railroad at southwest corner of Vic Humphrey's house lot; thence crossing said railroad north 83 chains to a large stone at Mocksville road, F. C. Robbins' corner; thence N. 51 deg. E. 94½ chains to the east side of the Salem road, near where the road goes to negro graveyard; thence N. 15 deg. E. with southeast side of said Salem road 10.25 chains to the northeast side of Sixth Street, near Fowler Place; thence N. 52½ deg. E. 2.50 chains to a stake; thence S. 38 deg. E. 30.50 chains to the beginning. And the said territory embraced in said boundaries shall be divided into four wards, to be known as East Ward, West Ward, South Ward and North Ward. The East Ward shall contain the territory within the following boundaries, to-wit: Beginning at the center of Main Street where intersected by Second Avenue, running thence along Second Avenue, in a southeastern direction to the end of said avenue, and thence on in same direction as the said avenue runs to the corporation line; thence easterly and northerly and on along the line the corporation, to the junction of the Raleigh road and the Greensboro road; and thence along said Greensboro road to Main Street and thence down Main Street to the beginning. South Ward shall contain the territory in the following boundaries, to-wit: Beginning at center of Main Street where intersected by Second Avenue, and running thence along Second Avenue to the end thereof, and then on in same direction to corporation boundary; thence along the corporation boundary as it meanders westwardly to Main Street; thence up Main Street to the beginning. West Ward shall contain the territory embraced in the following boundaries, to-wit: Beginning at center of Main Street where intersected by Second Avenue, running thence along Second Avenue, a northwardly westwardly direction to the end of said avenue, and thence on the same direction to the corporation line; thence in a southwestwardly direction along the corporation boundary, following the same to Main Street; thence up Main Street to the beginning. North Ward shall contain the territory within the following boundary, to-wit: Beginning at center of Main Street where intersected by Second Avenue, running thence along said avenue and on in the same direction to the corporation boundary; thence about northeast along the corporation boundary, and on following the said corporation boundary to the junction of the Raleigh and Greensboro road; thence along said Greensboro road to Main Street and down Main Street to the beginning.

Wards.

East ward.

South ward.

West ward.

North ward.

Town elections. Officers. Terms.

Sec. 3. That there shall be held on the first Monday in May, one thousand nine hundred and seven, and every two years thereafter, an election for said town, at which election there shall be elected a mayor, eight town commissioners and eight school commissioners, whose terms of office shall begin on the Monday following the election, and who shall hold office until their successors are qualified.

Persons eligible for office. Proviso: residence.

Sec. 4. That any qualified elector in this State shall be eligible for mayor, town commissioner or school commissioner: *Provided*, he shall have resided in the corporation twelve months, and for town commissioner and school commissioner, also in the ward from which he is elected, four months next preceding day of election.

Voters.

Sec. 5. That all persons entitled to vote in the county of Davidson for members of the General Assembly, and who shall have been *bona fide* residents of the town of Lexington for the four months next preceding the day of election, shall be entitled to vote at said election, or any election held for municipal purposes, but each elector must vote in the ward in which he is a resident at the election.

Mayor to qualify.

Sec. 6. That the mayor, before entering upon the duties of his office, shall take an oath before the Clerk of the Superior Court of Davidson County that he will truly, faithfully and impartially perform the duties of his office to the best of his skill, ability and judgment. That the town commissioners and the school commissioners shall, before entering upon their duties, take the oath prescribed by law, to be administered by the mayor or some justice of the peace.

Town commissioners and school commissioners to qualify.

Vacancies.

Sec. 7. That the town commissioners and school commissioners, respectively, shall have the right to fill any vacancy on the board that may occur during their terms of office from any cause, the person, or persons, appointed to fill any vacancy on either board, shall be a resident of the ward of which the one whose place he takes was a resident. The town commissioners shall also elect from their number a town treasurer and a town clerk, who shall hold office for the term of two years, and until their successors are chosen, and to fill any vacancies in either of said offices that may occur, also to elect the chief of police, and such other officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and to carry on and maintain, and operate the light, water and sewer plants and systems of the town, and to fix the terms of office of those officers and employees not fixed in this act, and also fix the salaries to be paid, which salaries are not to be increased during the incumbency of the persons elected. The town commissioners shall likewise be authorized to elect one of their number a mayor *pro tempore*, to act as mayor in case

Town treasurer and town clerk. Chief of police. Other officers. Mayor pro tem.

of the absence of the mayor, or his inability to perform the duties of his office. The town commissioners may require the taxes to be collected by any member of the police force to be designated by the board, or may appoint a tax collector. Before entering upon the discharge of any duties, any person elected or appointed to any office in the town shall take an oath to faithfully discharge the duties of his office, and shall execute bond with sufficient surety payable to the State of North Carolina, in such sum as the town commissioners may determine.

Tax collector.

Officers to qualify.

And give bond.

Sec. 8. That the mayor of said town is hereby constituted an inferior court, and as such, shall, within the corporate limits within said town, have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process to hear and determine all causes of action which may arise upon the ordinances and regulations of the town; to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by-laws, regulations and ordinances made by the town commissioner. The mayor shall further be a special court, within the corporate limits of the town, to cause to be arrested all persons who are charged with a misdemeanor for violating any of the ordinances of the town, and if the accused be found guilty of the offense charged, shall be fined at the discretion of said court, not exceeding the amount specified in the ordinance, or ordinances, violated, from which judgment the accused may appeal to the Superior Court in like cases and manner as is provided by law for appeals from justices of the peace.

Mayor constituted inferior court.

Jurisdiction.

Mayor made special court.

Appeals.

Sec. 9. That the mayor may issue his precepts to the chief of police, or any member of the police force, or to any officer to whom a justice of the peace may issue his precept, and any officer to whom such precept may be directed may execute the same anywhere in Davidson County, and the mayor may endorse on such precept the names of the witnesses to be subpœnaed, and such endorsement shall be authority and direction to the officer to execute the same. The mayor shall keep a record of all precepts issued by him and of all his judicial proceedings.

Precepts of mayor.

Mayor to keep record.

Sec. 10. That the town commissioners shall have authority to put and to keep at work on the streets of the town any person who may fail to pay any cost, fine, penalty or forfeiture which may be imposed upon such person for violation of such ordinance, by-law or regulation of said town; and the said town commissioners shall have authority by their ordinances and by-laws to provide for the confinement, control and management of such persons, until said fine, penalty or forfeiture, together with any cost, shall be fully paid under such rates for labor and board as the town commissioners may adopt.

Fines and costs worked out on streets.

Sec. 11. That any policeman of the town, who may arrest any person in the night time for the violation of any ordinance of the

Policemen may take bond.

May commit to county jail.

town, may take bond for appearance of such person before the mayor on the next day, and in default of bond may commit such person to the lockup or common jail of the county, and the sheriff or the jailer of Davidson County are hereby required, without *mittimus*, to receive and keep in jail of the said county, as his prisoner, any person arrested in the night by any member of the police of the town, and to keep such persons safely until next morning when the persons shall be brought before the mayor to be dealt with according to law, or in case the mayor is not in town, then such person to be taken before some justice of the peace residing in the town to be dealt with according to law.

Duties of treasurer.

Record to be kept.

Sec. 12. That the town treasurer shall call on all persons who may have in their hands any money or securities belonging to the town, and collect and obtain the same, and shall safely keep all securities and funds of the town for the use of the town; to disburse the same only upon orders duly drawn upon him in the manner hereinafter provided. He shall keep a record of all moneys received and disbursed by him, showing from what source received and on what account paid out, and shall submit said record to the town commissioners whenever required by them to do so. When his term of office expires, he shall deliver to his successor all moneys, securities and other property of the town entrusted to his keeping, together with the record kept by him, and shall in all respects faithfully perform all the duties required of him.

Orders for money.

Proviso: claims to be audited.

Orders for school money.

School claims audited.

School commissioners to examine records.

Sec. 13. That all orders, except for payment of money for schools, drawn on the treasurer for payment of money shall be signed by the mayor and countersigned by the town clerk, and shall state the purpose for which the payment is applied: *Provided*, all claims against the town, except for schools, shall be audited by the town commissioners before any order shall issue for the payment of the same. That all orders for the payment of moneys on the account of schools shall be signed by the chairman of the school commissioners and countersigned by the secretary of the said school commissioners, which order shall issue only after the claim shall have been audited by the school commissioners. The school commissioners shall have, at any time they may designate, the right to examine the records kept by the town treasurer of the school funds.

Statements to be posted.

Sec. 14. That the town commissioners shall cause to be made out annually, a fair statement of all receipts and disbursements on account of the town for the inspection of any citizen of the town, and shall cause the same to be posted at the court-house door on the first Monday of May of each year.

Duties of chief of police and policemen.

Sec. 15. That it shall be the duty of the chief of police, and other members of the police force, to see that the laws, ordinances and all lawful orders of the mayor and town commissioners are

enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and arresting offenders, and for these purposes they shall have all the authority vested by law in sheriffs and township constables. They shall execute all precepts lawfully directed to them and, in the execution thereof, shall have the same powers which the sheriff and township constables have; they shall be entitled to receive the same fees on all processes and precepts executed by them which may be allowed to township constables in like cases, and also such further compensation which may be fixed by the town commissioners. In times of exigency the mayor may appoint temporary additional policemen for such time as may appear necessary, who shall take the same oath and be subject to the same control as the regular policemen. The mayor may, at any time upon charges preferred, or upon his finding that the chief of police, or any member of the police force, is guilty of misconduct, suspend such member from service until the town commissioners shall meet and take action in the matter, and said town commissioners, upon hearing proof upon the charges, may discharge such member, or may restore him and order that he be paid for the time during which he was suspended.

Authority.

Precepts.

Fees.

Further compensation.

Temporary policemen.

Suspension of policemen.

Sec. 16. That town commissioners shall have the power to lay out and open new streets within the corporate limits whenever they deem the same necessary, and also to widen, change, extend or discontinue any street or sidewalk within the town, and shall have full power and authority to appropriate, use and condemn any land necessary for any purpose mentioned in this section. In case of any condemnation of any lands for the purposes mentioned, reasonable compensation shall be made therefor to the owner, or owners, of such land, and in case the owner of the lands and the town commissioners cannot agree upon the compensation to be paid therefor, the matter shall be left to arbitration, each party choosing one, and any arbitrator shall be a freeholder and a resident of the town; in the event that the owner of the land should fail or refuse after notice to select an arbitrator, then the mayor of the town shall select one for such owner; and in case the two arbitrators chosen cannot agree, they shall select an umpire and they, or a majority, shall determine the compensation to be paid and make written report of the same to the mayor; in proceeding to make such assessment, they shall examine the land condemned and ascertain the damages sustained, and also the special benefits, if any, accruing to the owner, the special benefits to be deducted from the damages, and their award made as aforesaid shall be conclusive of the rights of the parties and vest in the town the right to use the land for the purposes specified, and the damages assessed shall be paid out of the funds of the town: *Provided*, that either party may appeal

Powers of town commissioners as to streets.

Condemnation of lands.

Arbitrators.

Special benefits.

Proviso: appeal.

to the Superior Court of Davidson County, and upon appeal the mayor shall cause the award and all the original papers in the cause to be transferred to the next ensuing term of said Superior Court, but such appeal shall not prevent the town commissioners from proceeding to open said street just as if no appeal had been taken.

Notice of tax-listing.

Sec. 17. That the mayor, on or before the third Monday in May of each and every year, shall make advertisement in some newspaper published in said town, and by posting notices at five public places in said town, notifying all persons residing in the said town who are liable to pay poll-tax, or who own or control any property subject to taxation in the town on the first day of June, to make return to the town tax-lister during the month of June a list of their taxable property in said town; said list shall state the age of the person if liable to poll-tax, the real estate and other property owned or held by such person, now taxable, or that may be taxable by law at the time the same is listed, and the person making and returning such list shall make oath before the tax-lister as follows: "I, ..., do solemnly swear that the tax return, made out and signed by me, contains a full and accurate statement of all property owned or held by me subject to taxation in the town of Lexington, under the laws of the State, to the best of my knowledge and belief." The tax-lister shall make out from said returns, during the month of July, in a book kept for that purpose, an alphabetical list of the persons making returns in the same manner as is provided by law for making tax-lists for State and county taxes, and shall also make out a list of all persons liable for poll-tax, and also of all persons owning property in said town liable to taxation who have not listed same, with a description of such property and the valuation at which same is taxed for State and county purposes, and shall return to the town commissioners such tax-book and such list of persons and property not listed for taxation. The town commissioners shall have the same power to revise said tax returns as is given to the board of county commissioners to revise the tax-books of the county. Any person failing to make return of his poll or property, as herein provided, within the time limited, shall be liable for double tax thereon, and subject to the same penalty for such failure as is now prescribed by law of the State against persons failing to list their polls and taxable property.

What list to state.

List to be sworn to.

Tax-listers.

Town commissioners to revise returns.

Double tax for failure to list.

Town commissioners to levy taxes.

Sec. 18. That as soon as the tax-lister shall have furnished the assessment roll as provided, and the same shall have been approved by the town commissioners, said town commissioners shall proceed to levy the taxes on the polls and property in said town subject to taxation, real estate, personal property, money on hand, solvent credits, and all other property subject to taxation under the laws of the State for public purposes, the taxes to be paid

thereon for the ensuing year as follows, to-wit: For schools, not exceeding thirty cents on the hundred dollars valuation and not exceeding ninety cents on each poll; for payment of interest on bonds of the town issued under the provisions of chapter three hundred and four (304), Private Laws of one thousand nine hundred and three (1903), and the amendment thereto, chapter one hundred and thirty-eight (138), Private Laws of one thousand nine hundred and five (1905), a sufficient amount to pay the interest thereon as the same accrues, and to provide for the payment of said bonds at maturity; for all other purposes, not exceeding the sum of fifty cents on the hundred dollars of valuation of property, and not exceeding the sum of one dollar and fifty cents on each poll: *Provided*, that in no one year shall the total tax levy exceed the sum of one dollar and thirty cents on the hundred dollar valuation of property, nor the sum of three dollars and ninety cents on each poll. That as soon as the town commissioners shall have levied the taxes and the books are completed and endorsed by the mayor, the same shall be placed in the hands of the tax collector, for collection, who shall proceed to collect the same and complete the collection thereof by the first Monday of November next ensuing, and shall pay the money collected to the town treasurer as often as he may have as much as five hundred dollars in hand, and shall pay to the said treasurer on or before the second Monday in November the entire amount collected. The collector may be paid such per centum of the amount collected as the town commissioners may allow: *Provided*, the town commissioners may extend the time for the collection of the said taxes and settlement therefor, and after the first Monday of November the town commissioners may, in their discretion, place a penalty for failure to pay the taxes on all delinquents of one per centum per month of the amount of taxes due and unpaid, and an additional one per centum on the first day of each month thereafter, which shall be added to the taxes until the taxes are paid and collected as other taxes are.

School tax.

Bond tax.

Tax for other purposes.

Books given tax collector.

Time for collection.

Payments to treasurer.

Compensation of collector.

Proviso: extension of time.

Penalty for non-payment.

Sec. 19. That if any person, liable for the payment of the taxes imposed under the preceding section, shall fail to pay the same within the time prescribed for collection, the tax collector shall immediately proceed to collect the same, and shall levy upon any personal property or choses in action of such person within the town and sell the same after having advertised the sale for ten days at the court-house door in Lexington and at three other public places in said town, and after having given five days' notice to the person for whose taxes sale is made, if such person is to be found in the town. When the person liable for the payment of the tax has no personal property or choses in action within the town liable to seizure, as aforesaid, and owns real estate therein, the taxes against such person shall be a lien on

Collection by distress.

Notice to delinquent.

such real estate, and the tax collector shall so report to the mayor, who shall direct that the same be sold for the non-payment of taxes, and said collector shall, after advertisement of such real estate for sale for thirty days in some newspaper published in the town, and at court-house door and at four other public places in the town, sell said real estate, or so much thereof as may be necessary for the said taxes and costs. The collector may divide said real estate into lots and sell any one or more of the lots as may be necessary. If the same cannot be divided, then the whole shall be sold. If at any sale there shall be no bidder who will pay all the taxes and costs charged against the real estate sold for the same, then such real estate shall be knocked off to the town, and if not redeemed as hereinafter provided, the tax collector shall execute deed therefor to the town and it shall be the property of said town in fee-simple. The tax collector shall report all sales of real estate to the mayor, showing what property was sold and who was the purchaser and the price paid, and the mayor shall keep a record of the same. In case there shall be a surplus left from any sale after payment of all taxes and costs, the said surplus shall be paid to the town treasurer to be paid out to the owner upon demand by him. The owner of any real estate sold for taxes may redeem the same within one year from date of sale by paying to the purchaser the amount paid by him, and the further sum of twenty-five per centum of the amount of the taxes and expenses less any surplus paid to the said owner by the town treasurer, as provided above. If the real estate sold shall not be redeemed within the time limited, then at any time within one year from the expiration of the time of redemption the tax collector shall, upon demand of the purchaser, or his assignee, make to said purchaser, or to his assignee, a deed in fee-simple for such real estate. Any recital in such deed that the taxes were due, that said land was advertised and sold for non-payment of taxes, and any and all other acts and things required to be done before sale, shall be *prima facie* evidence that the same are true and were done. The sale of real estate of infants and persons *non compos mentis* for non-payment of taxes shall be made only in the manner provided for sale of lands of such persons in the Revisal of one thousand nine hundred and five.

Sale of real estate for taxes.

Real estate bought in.

Report of sales.

Power of redemption.

Deeds to unredeemed property.

Special taxes.

Sec. 20. That the town commissioners may levy and collect special tax on the following occupations, trades and businesses; the amount of such taxes, when levied, shall be collected by the tax collector immediately, and, if not paid on demand, may be collected by levy on any property of the person liable, or by suit; said special taxes shall be as follows:

Peddlers.

1. Upon all itinerant merchants or peddlers, selling, or offering for sale, in the town any goods, wares, merchandise, or article of traffic not exceeding fifty dollars per year, however, excepting

such as sell only books, charts, maps, or productions of the growth and manufacture of this State other than drugs and medicines.

Hotels. 2. On keepers of hotels, boarding houses, eating houses, restaurants, fish or meat stands, or markets, or bread stands, fruiterers, or barber shops, not exceeding fifty dollars per year; but such persons as take boarders only during terms of the Superior Court shall not be liable for said tax on hotels or boarding-house keepers.

Drays, etc. 3. On every dray, wagon, carriage, buggy or other vehicle used in the town for the conveyance of persons or goods, for hire, not exceeding ten dollars per year.

Express companies, etc. 4. On every express company, telegraph company, telephone company, itinerant dealer in lightning rods, stoves, or sewing machines, not exceeding twenty dollars per year.

Photographs and pictures, etc. 5. On persons soliciting orders for photographs or pictures, selling jewelry, or other articles having a prize given therewith, or any itinerant person taking or enlarging a likeness of the human face on order, or otherwise, or conducting a dancing school, not exceeding ten dollars per year.

Encroachments on streets. 6. On all encroachments on streets by porches or piazzas, allowed by the town commissioners, not exceeding one dollar per front foot per year.

Circus riders. 7. On every company of circus riders, or performers by whatever name called, who shall exhibit within the town or within one mile of the limits thereof, not exceeding fifty dollars for each performance or separate exhibition, and on each side show connected therewith, not exceeding ten dollars, to be paid before performing, and, if not so paid, the tax to be doubled.

Side shows.

Stage plays. 8. On every person or company exhibiting within the town or within one mile of the limits thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing, or menageries, not exceeding twenty-five dollars for every performance and exhibition of not more than twelve hours, if tax not paid before exhibiting, to be doubled.

Other shows. 9. On each show or exhibition of any kind not mentioned, or concert for reward, except for religious or charitable purposes, within the town, or within one mile of the limits thereof, not exceeding ten dollars for each performance.

Boot-blacks. 10. On all persons engaged in the business of boot-black on the streets, or public places of the town, not exceeding five dollars per year.

Bill-posters. 11. On persons engaged in the business of bill-posters within the town, not exceeding ten dollars per year.

Liquors. Sec. 21.—That no person shall retail spirituous liquors, wines, cordials, ale, porter, lager beer, or any spirituous, vinous or malt liquor, by a less measure, or in less quantity than three gallons, within the corporate limits of the town, without first having paid

Proviso: malt liquors.

the tax and obtained a license therefor, as herein provided: *Provided*, the town commissioners may issue license for retailing lager beer and ale, and these alone, upon the payment of an annual tax of not exceeding two hundred dollars; and said town commissioners shall have the power to revoke such license at any time upon the payment to the person holding such license that portion of the tax corresponding to the unexpired term of the license: *Provided, also*, said town commissioners shall grant no license to any person for such purpose until he shall have paid all taxes imposed by law and proved a good moral character by at least two good citizens of the town, and given good bond with sufficient sureties in the sum of five hundred dollars, payable to the State of North Carolina, conditioned for the keeping of an orderly and lawful house, and if said person shall violate the said bond, his license shall be revoked and the town commissioners shall proceed at once to enforce the collection of said bond: *Provided, also*, that no such license shall be granted unless such person shall produce and exhibit to the town commissioners a license therefor from the Board of Commissioners of Davidson County.

Proviso: requisites for license.

Proviso: county license.

Billiard tables, ten-pin alleys and gaming table.

Sec. 22. That no person shall erect, put up, keep, use, maintain, or operate, or conduct any billiard table, ten-pin alley, or any gaming table, or place by whatever name known or called, at which games of chance or skill shall be played, within the corporate limits of Lexington, without first having paid the tax and obtained license therefor as required in this act: *Provided*, the town commissioners may issue license for the keeping, operating and maintaining of billiard tables and pool tables and box-ball alley upon payment of an annual tax not exceeding one hundred dollars for each table or alley; the town commissioners having the right to revoke such license at any time upon the payment to the party holding the license of the proportion of the tax for the unexpired term.

Proviso: license for tables and alleys.

Licenses signed by mayor.

Sec. 23. That no sheriff, Board of Commissioners of Davidson County, nor other officer, shall grant any license to any person to carry on any of the trades, business or other thing specified in sections twenty (20), twenty-one (21), and twenty-two (22) of this act, unless such person shall first produce before such officer a license therefor, issued by the town commissioners and signed by the mayor.

Penalties.

Sec. 24. That any person who shall violate any of the provisions of sections twenty, twenty-one and twenty-two of this act shall forfeit and pay to the town the sum of fifty dollars for each offense, to be sued for and recovered by the town commissioners, and each person guilty of any such violation of any of the provisions of said sections shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars

or imprisoned not exceeding thirty days, at the discretion of the Court, and each act of selling or retailing shall be deemed a separate offense, and each day, or part of a day, in which any billiard table, pool table, ten-pin alley, box-ball alley, or any gaming table, or place where any games of chance or skill shall be kept up, maintained or played, in violation of this act, shall be deemed a separate offense. The fines imposed under this section, or for the violation of any of the provisions of this act, or of any ordinance enacted by the town commissioners in pursuance of the provisions of this act, shall accrue to the town and be paid to the town treasurer, notwithstanding the same may also be an offense against the laws of the State.

Separate offenses.

Fines to accrue to town.

Sec. 25. That the town commissioners shall have power to declare all horses, cattle, sheep, goats, hogs, dogs and geese and other animals running at large within the corporate limits of the town a nuisance, and the town commissioners may impose a fine at their discretion, not to exceed fifty dollars for each offense, upon the owner of any such animals so at large, and may treat such animals as a nuisance and impound and abate the same under such regulations as they may adopt; the town commissioners may also, by proper regulations and ordinances, prevent the erection and maintenance within the corporate limits, or any part thereof, of hog-pens and pig-sties, and may provide for their abatement, as for other nuisances.

Animals running at large.

Hog-pens and pig-sties.

Sec. 26. That the town commissioners may prevent the establishment of, or may regulate, if allowed to be established, any slaughterhouse or place for the exercise within the town of any offensive business, trade or employment; may require and compel the abatement of all nuisances within the town; may declare any public or private building, or any frame-work, smokestack, windmill or structure of any kind within the limits of the town to be a nuisance, and may provide for its removal or abatement: *Provided*, no such building or structure shall be declared to be a nuisance until after notice for three days has been served on the owner of the same, if within the town, and if not within the town, then notice to the occupant of said building, and if no occupant, by posting notice thereof upon said building or structure: *And provided further*, that said owner or occupant may be heard before the town commissioners as to the condition of said building. If upon said hearing and after said notice such building or structure shall be declared to be a nuisance, or dangerous and hazardous in any way to life or property, that same shall be at once removed or abated by the owner or occupant, and if they fail to do so, then the same shall be removed under the supervision of some member of the police, and the expense thereof shall be charged up to the owner and be a lien on his property, and shall be due at once and collected by the tax collector, as other taxes

Slaughterhouses.

Nuisances.

Proviso: notice.

Proviso: owner to be heard.

Nuisance abated.

Prohibited occupations.

of the town are collected. The town commissioners shall have full power to prohibit all trades and occupations or acts, which are nuisances, to be carried on within one mile of the corporate limits, and may cause all such to be removed and abated, and have the same power over them as is given as to similar things within the corporate limits. The town commissioners shall have power to remove, abate and cause to be remedied, everything within the corporate limits, or within one mile of said limits, that is dangerous or prejudicial to the public health and to charge the expense thereof to the person causing or creating the same, and collect the same from such person.

Public health.

Further powers of commissioners.

Sec. 27. The town commissioners shall have power to make regulations to cause due observance of the Sabbath, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder in the town, to regulate the speed of riding or driving on the public streets, to keep the sidewalks and streets clear of obstructions, to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets, which may be done at the expense of the owner, to regulate the planting, cutting and trimming of all trees on the streets and public property of the town.

Improvement of streets.

Sec. 28. That the town commissioners shall have the right to grade, pave and improve any of the streets of the town as they may deem best for the public good, and may borrow money and pledge the credit of the town for such purposes; they may assess not over fifty per cent. of the cost of the paving and improving any street or sidewalk against the land-owners along the street so paved or improved, to be assessed against the lands so abutting in proportion to the number of feet abutting thereon, and said commissioners shall cause the owners to be notified of the amount assessed against each person, and the same shall be due thirty days after said notice and shall be a lien upon lands abutting on said street, and shall be collected by the tax collector in the same manner as provided by law for the collection of the other taxes assessed on the real estate of the town, and the amount so collected shall be applied to the expense of street improvement and no other. That the town commissioners shall have the right to use the streets of the town for its sewer system, light system and water system, and may grant franchises to street railway companies, telephone or telegraph companies and allow the use of the streets to lay tracks, wires, set poles and run cars, and may charge for such franchises and privileges, in addition to the annual license tax, such amount as they may deem just, to be turned over to the general fund of the town.

Sewer, light and water systems.

Street railways.

Electric light and power plants.

Sec. 29. That the town commissioners shall have the right to own, operate and maintain an electric light and power plant to

furnish lights for the streets and public buildings of the town, and to supply the citizens of the town lights and power, and to charge therefor such rates as may be fixed by the town commissioners, who shall establish uniform rates, and shall make out same and cause the same to be published and prepared for the inspection of the citizens of the town at all times; may employ all persons necessary to manage, control and operate said light and power plant and water plant, and sewerage system, fix the period of such employment and salaries and wages to be paid, which shall not be increased during the term of the employee.

Water system.

Sec. 30. That the town commissioners shall have the right to own and operate a water system, and dig and keep up and operate and maintain deep wells for the purpose of supplying water to its citizens and other residents therein, and for protection against fires, and to fix the price to be charged for the same, which prices are to be uniform, and published and open for the inspection of the people of the town. Said town commissioners shall have full power and authority to make such rules and regulations, and pass such ordinances that may be necessary for the protection of its water plant and every part thereof, to the end that the same may be preserved, and the water be pure and uncontaminated.

Sewerage.

Sec. 31. That the town commissioners shall have the right and power to control and maintain a sewerage system for said town, and to provide and procure an outlet for the same, beyond the corporate limits, and for this purpose shall have the right to contract with, or purchase the right-of-way over the lands of, any person, or to condemn the same, and for such condemnation to proceed in the manner and way provided by law for condemnation of lands for railroads in the Revisal of one thousand nine hundred and five, chapter sixty-one, sections two thousand five hundred and seventy-five to two thousand five hundred and ninety-eight, inclusive. The town commissioners may require all persons on the line of the sewer established to connect their premises therewith with proper fittings and plumbings, all under the supervision of the proper officer of the town, and to make such reasonable charges for the use of the same as may be deemed proper. The town commissioners may, whenever they may deem necessary, borrow money and issue bonds of the town, as they may determine, to extend the water system and light system of the town, or to pay off indebtedness incurred in the construction of the same.

Commissioners may order sewer connection.

Street cleaning.

Sec. 32. That said town commissioners may provide carts to remove filth from the streets, and also to require garbage and filth wagons to visit the premises of all persons not connected with the sewer at stated periods and remove therefrom all filth, human excrement, known as night soil, and dispose of the same as

directed by said town commissioners, and to make reasonable charge therefor as may be necessary to pay the expenses thereof, to be collected out of the owner of the property from which such filth is taken, and if not paid otherwise, to be charged up and collected out of the person owing just as other taxes are collected.

Cemeteries.

Sec. 33. That the town commissioners shall have control and direction of all cemeteries in the town, and may require all persons buried within the town to be buried in an established cemetery, and pass all such resolutions and ordinances as may be necessary for their care and preservation, and may appropriate such sums of money as they may deem necessary to keep them in order.

Town may use county jail.

Sec. 34. The town commissioners may use the county jail of Davidson for the confinement of prisoners, or they may erect or lease buildings suitable and necessary for the purpose of a prison.

Powers under general law.

Sec. 35. That the town of Lexington is hereby vested with all the powers, privileges and immunities enumerated and given in chapter seventy-three of the Revisal of one thousand nine hundred and five, entitled "Towns."

School tax.

Sec. 36. That the town commissioners shall, when the taxes are levied as provided in this act, levy a tax sufficient to maintain the public schools of the town, however, not exceeding the sum limited in this act to be levied for schools.

Graded schools.

Sec. 37. That it shall be the duty of the school commissioners to establish and maintain in the town graded schools, at least one for white children and one for colored children, and to appropriate the funds derived from the town taxes, levied and collected for education, and from all other sources for the maintenance of said schools, so as to equalize the school facilities between the races.

School property vested in school commissioners.

Sec. 38. That all property, both real and personal, of the public schools within said town shall be vested in said school commissioners in trust for the graded schools.

School money applied by school commissioners.

Sec. 39. That all public school money, which may be from time to time collected and apportioned under the general law for the children of said town for general school purposes, shall be applied by the said school commissioners to keeping up the graded schools of the town.

Powers of school commissioners.

Sec. 40. That said school commissioners shall have power to employ a superintendent and teachers for said schools, fix their salaries and terms of employment, hold real estate, purchase necessary school property and appliances, and make any rules and regulations for the conduct and management of said schools as they deem proper, and to do all such acts and things necessary for the proper conduct and maintenance of the said schools.

Election law.

Sec. 41. That the elections held under this act shall be conducted in the manner provided in sections two thousand nine

hundred and forty-six to two thousand nine hundred and sixty-seven of chapter seventy-three, Revisal of one thousand nine hundred and five, except as modified and changed in this act.

Sec. 42. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 43. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1907.

CHAPTER 15.

AN ACT FOR THE RELIEF OF MISS LULA SWINDELL, A PUBLIC SCHOOL-TEACHER OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Hyde County be, and he is hereby authorized and empowered to pay Miss Lula Swindell, a public school-teacher of Hyde County, or to her order, the sum of ten dollars and ninety-two cents ($10.92) out of the school funds now in his hands or that may hereafter come into his hands to the credit of district ten for the white race, Currituck Township. Said sum being due said Lula Swindell as a balance for teaching a public school in Hyde County, in the year of one thousand nine hundred and six. To be paid balance due for teaching.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1907.

CHAPTER 16.

AN ACT FOR THE RELIEF OF MRS. HENRIETTA ROBERTSON AND GEORGE T. WALKER.

Whereas, Mrs. Henrietta Roberston taught the public school in Wentworth Township, district number six, in Rockingham County, under contract with school committee, and by misunderstanding on the part of the committee, taught school longer than there was money with which to pay same, the same having been used in repairs to school building, leaving a balance due her of twenty-seven dollars and eighty-one cents; and whereas, under similar circumstances in Williamsboro Township, district number four, there still due George T. Walker the sum of ten dollars: therefore, Preamble.

The General Assembly of North Carolina do enact:

Mrs. Robertson to be paid.

Section 1. That the Board of Education of Rockingham County be and they are hereby authorized and directed to pay to Mrs. Henrietta Robertson the sum of twenty-seven dollars and eighty-one cents, and to George T. Walker the sum of ten dollars, the same to be paid out of the general educational fund of Rockingham County, before the same is apportioned among the districts of said county.

G. T. Walker to be paid.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1907.

CHAPTER 17.

AN ACT TO AMEND CHAPTER 28 OF THE PRIVATE LAWS OF 1905.

Preamble.

Whereas, chapter twenty-eight of the Private Laws of one thousand nine hundred and five, attempted to amend chapter two hundred and fifty-eight of the Private Laws of one thousand nine hundred and one; and whereas, by inadvertence it was made to appear in said chapter twenty-eight of the Private Laws of one thousand nine hundred and five as an amendment to chapter two hundred and fifty-seven of the Private Laws of one thousand nine hundred and one: therefore,

The General Assembly of North Carolina do enact:

Reference corrected.

Section 1. That the word "seven," in line two, section one, of chapter twenty-eight of the Private Laws of one thousand nine hundred and five, be stricken out and the word "eight" inserted in lieu thereof.

Acts validated.

Sec. 2. That all acts which may have been done under and by authority of chapter two hundred and fifty-eight of the Private Laws of one thousand nine hundred and one, as attempted to be amended by chapter twenty-eight of the Private Laws of one thousand nine hundred and five, be and the same are hereby validated and made as binding as if the inadvertence had not occcurred in said chapter twenty-eight of the Private Laws of one thousand nine hundred and five.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1907.

CHAPTER 18.

AN ACT TO INCORPORATE MUTUAL TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That W. H. Twitty, John M. Scott, C. O. Brown and Willis Brown, and their associates and successors, are hereby created a body politic and corporate under the name and style of "Mutual Trust Company," and by said name shall have all of the rights, franchises and privileges incident to a corporation. Corporators. Corporate name. Corporate rights.

Sec. 2. The authorized capital stock of the corporation shall be one hundred thousand dollars, divided into one thousand shares of the par value of one hundred dollars each. The corporation above named at any time within sixty days after the ratification of this act may open books of subscription, and after one hundred shares shall have been subscribed for, the corporation may organize. The said four corporators, or any two of them, may give a notice of ten days, unless the same is waived by the subscribers, and set a time and place in the city of Charlotte for the said subscribers to meet and organize the corporation, and as soon as the organization is made and the sum of ten thousand dollars of the capital stock has been paid in, the corporation shall have authority to commence business. Capital stock. Books of subscription. Meeting for organization. Organization.

Sec. 3. The said corporation shall have the power to acquire to the same extent as natural persons and without limit as to amount, by purchase, lease, exchange or otherwise, lands, improved or unimproved, tenements, hereditaments, chattels, real or personal, or any interest therein; to erect and construct houses, buildings, or works of every description on any land of the company, or any other lands; to rebuild, enlarge, alter or improve existing houses, buildings or works thereon; to subdivide, improve and develop lands for purpose of sale or otherwise; to convert and appropriate any such land into and for roads, streets or other conveniences, and to do and perform all things needful and lawful for the development and improvement of real estate for any lawful purpose, and to generally deal with and improve the property of the company or of other parties; to sell, convey, lease, release, let, exchange, mortgage, or otherwise dispose of or encumber the land, houses, buildings, chattels and other property of the company; to equip, furnish, conduct, operate, manage and maintain hotels, apartment houses, warehouses or any kind of buildings for dwellings, amusement, recreation, business or other purposes. Powers as to real estate.

Sec. 4. That the said corporation may become the owner of the capital stock of other corporations, or any share or shares thereof, and may acquire the same by subscription, purchase or otherwise, May own stocks of other companies.

and may cast any vote, to which stock owned by it may be entitled, through its duly constituted agent. It may do the business of general dealer in stock, shares, notes, bonds, debentures, or other securities of any government, municipality, State, corporation, company or partnership.

Stock broker.

May act as agent.

Sec. 5. That the said corporation shall have the power to act as agent for any person, firm or corporation; to carry on the business of insurance agents, either life, fire, accident, indemnity, or any one or more kinds of insurance; to act as factor, broker, or agent for the handling, sale or other disposition of any kind of goods, wares, merchandise, produce or property of any kind.

Loan brokers.

Sec. 6. The said corporation shall have the power and right to obtain and procure loans for any persons, firm or corporation; to invest and lend its own money or the money of others in or upon the security of mortgage, pledge, deed, or otherwise, on any lands, tenements, hereditaments, or personal property or interest therein; to lend money upon, or purchase, or otherwise accept and deal in bills, notes, choses in action, or any or all negotiable or commercial paper.

May become surety.

Sec. 7. That the said corporation shall have the power to become surety or endorser on notes, bonds, obligations or undertakings, and to guarantee or secure the payment of any note, bond, undertaking, contract or agreement of any person.

May act as fiduciary.

Sec. 8. That the said corporation shall have the power to act as receiver, trustee, executor, administrator or guardian, and to accept and execute any trust that may be committed to it by any court, corporation, company, firm or individual. And any oath required by law to be taken as qualification for any of the offices or trusts above mentioned may be taken by an officer of the said company, and the oath prescribed by law may be so modified as to apply to this corporation.

Powers under general law.

Sec. 9. That the general laws of the State of North Carolina relating to corporations shall apply to this corporation, and the powers herein expressly enumerated shall not be restrictive of the powers conferred by the general laws relating to corporations, but shall be in aid of and cumulative thereto.

Sec. 10. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1907.

CHAPTER 19.

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That upon the presentation of a written petition to the Board of Aldermen of the City of High Point, signed by as many as twenty of the resident taxpayers of said city, requesting that an election be called for the said city to vote on the question of issuing bonds in the amount of one hundred and twenty-five thousand dollars ($125,000), with interest coupons; seventy-five thousand dollars ($75,000) of said bonds to be used by the city of High Point for street improvements, sewer extensions, and improvement or enlargement of the water and lighting plants of said city; and fifty thousand dollars ($50,000) of said bonds to be used to aid in the construction and equipment of the Randolph and Cumberland Railway Company, from the city of High Point to some point on the Seaboard Air Line Railway; it shall be the duty of the Board of Aldermen to order an election to be held within ninety days after the presentation of said petition, and submit to the qualified voters of said city the question of issuing bonds for said purposes, the bonds to be issued upon the terms and conditions hereinafter set out. The said board of aldermen shall, for at least thirty days preceding the election, give public notice of the election and purposes thereof, by publication in one or more newspapers published in the said city.

Election on petition.

Amount to be voted on.

Objects of issue.

Notice of election.

Sec. 2. That the said board of aldermen shall order a new registration of the voters of the city of High Point for said election; that the registration and challenge of voters shall be conducted, and the election shall be held and conducted, in the same manner as is now prescribed by law for holding elections for mayor and board of aldermen for said city.

New registration.

Sec. 3. That at said election the ballots tendered and cast by the qualified voters shall have written or printed upon them the words, "For Bond Issue" or "Against Bond Issue," and all qualified voters who vote the issue of bonds upon the conditions and terms set out in this act shall vote "For Bond Issue"; and all qualified electors opposed thereto shall vote "Against Bond Issue."

Form of ballot.

Sec. 4. In the event that a majority of the qualified voters of said city shall, at said election, vote "For Bond Issue," the board of aldermen shall have prepared bonds in such denomination as said board may determine, the total amount to be one hundred and twenty-five thousand dollars ($125,000), with interest coupons attached, at a rate of interest to be determined by said board, provided the same shall not exceed five per cent. (5 per cent.) per

Bonds to be issued if voted for.

Interest.

Maturity.

annum, payable semi-annually during the time said bonds shall run, and the principal of said bonds shall be paid thirty (30) years from the date of the issue. Said bonds and coupons shall be payable at the office of the Treasurer of the City of High Point.

How bonds authenticated.

Both the bonds and coupons shall be numbered consecutively, and shall be signed by the Mayor of the City of High Point, and countersigned by the city clerk, and the said bonds shall have impressed upon them the official seal of the city of High Point.

Further elections.

Sec. 5. That the board may call an election under this act at any time it may see fit after giving proper notice and observing the general election law of the State; and the rejection by the voters of this proposition shall not prevent the board of aldermen from calling another election or elections under this act until the proposition is carried affirmatively.

Apportionment of proceeds of bonds.

Sec. 6. That the proceeds arising from the sale of seventy-five thousand dollars ($75,000) of said bonds shall be used by the city of High Point for street improvements, sewer extensions, or improvements or enlargement of the water and lighting plants of the said city, or in the erection of new water or lighting plants, as may be determined by the board of aldermen, as follows: Twenty-five thousand dollars ($25,000) to be used during one thousand nine hundred and seven, twenty thousand dollars ($20,000) to be used during one thousand nine hundred and eight, fifteen thousand dollars ($15,000) to be used during one thousand nine hundred and nine, fifteen thousand dollars ($15,000) to be used during one thousand nine hundred and ten: *Provided*, that such portion of each year's allotment as above set out may be expended for any one or more of the purposes herein enumerated, as the board of aldermen of the said city may determine.

Proviso: allotment by aldermen.

Bonds to Randolph and Cumberland Railway Company.

Sec. 7. That the fifty thousand dollars ($50,000) of bonds to aid in the construction of the Randolph and Cumberland Railway shall be delivered to the president or duly authorized agent of the Randolph and Cumberland Railway Company, upon the completion by the said company of a line of railway from the city of High Point to some point on the Seaboard Air Line Railway, and upon the delivery to the Board of Aldermen of the City of High Point of fifty thousand dollars ($50,000), par value, of the capital stock of the said Randolph and Cumberland Railway Company.

Special tax for bonds and interest.

Sec. 8. It shall be the duty of the Board of Aldermen of the City of High Point to levy annually upon all taxable property and polls of said city, in addition to all other taxes, a special tax to pay the interest on said bonds as it falls due; and also to provide a sinking fund sufficient to pay the principal of said bonds at their maturity; special taxes to be collected in the same manner as other taxes.

Sec. 9. This act shall be enforced on and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1907.

CHAPTER 20.

AN ACT TO CORRECT A DEFECT IN AN ACT PASSED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA, AS IS SHOWN IN THE PRIVATE ACTS OF 1903, CHAPTER 93, PAGE 158, AND TO FURTHER AMEND THE SAME.

Whereas, in the passage of the act above referred to, amending the act incorporating the town of Saluda, the enacting clause was omitted: therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the said enacting clause be inserted in said act, and that said charter of the city of Saluda be amended as follows: Enacting clause.

Sec. 2. That said city of Saluda, in its corporate capacity, by its mayor and commissioners, shall have the power to issue and sell interest-bearing bonds for the purpose of owning, establishing and operating water-works, fire department, municipal buildings, schools, public parks and other public improvements. City may issue bonds.

Sec. 3. That no such bonds shall be issued for a greater amount than five per cent. of the taxable value of the property within its corporate limits, and that the rate of interest on such bonds shall not exceed six per cent. per annum, and that such bonds shall not be sold for less than their par value. Limit on bond issue. Interest.

Sec. 4. That no such bonds shall be issued without first submitting the question to the qualified voters of the city at an election to be held for that purpose, after the same shall have been advertised for twenty days by posting notices in ten public places in the city. Bonds to be voted on. Notice of election.

Sec. 5. That said election shall be held in compliance with the general election laws, and those electors who favor the issue of such bonds shall vote "For Bond Issue," and those who oppose the issue of such bonds shall vote "Against Bond Issue," and a majority of the votes cast "for" or "against" shall decide. Election under general law. Form of ballots.

Sec. 6. That when such bonds are issued and sold the moneys received from such sale shall be kept separate and apart from all other moneys of the city, and shall be used only for the purposes for which the said bond issue is authorized. That a sum sufficient to pay the interest on the bonds and to create a sinking fund to redeem same, equal to five per cent. of their face value, shall be annually set aside by the city government from its general revenues, fines, penalties and forfeitures, and shall not be used for any other purpose. Moneys to be kept separate. Interest and sinking fund.

Sec. 7. That both the marshal and tax collector shall turn in every week to the city treasurer all moneys collected by him or them, by virtue of their office, or offices, together with an itemized Marshal and tax collector to settle weekly.

Statement.

statement of same, which statement the treasurer shall enter in his cash-book and keep on file for exhibition to the board and for future reference.

Sec. 8. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 9. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1907.

CHAPTER 21.

AN ACT TO INCORPORATE THE FORSYTH SAVINGS AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Corporate name.

Corporate powers.

Term.

Section 1. That S. G. Atkins, J. S. Hill, F. M. Kennedy, W. H. Goler, James Timberlake, S. W. Hawkins, J. A. Blum and P. J. Williams, and their associates, successors and assigns, be and they are created a body politic and corporate under the name and style of The Forsyth Savings and Trust Company, and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the State; have a common seal, and have succession for sixty years.

Savings bank.

Sec. 2. This company is especially invested with the powers and privileges usually incident to savings banks; may receive deposits in small sums and may pay interest thereon.

Capital stock.

Sec. 3. The capital stock of said company shall not be less than ten thousand dollars, but may be increased from time to time not to exceed fifty thousand dollars, in shares of ten dollars each, to be paid in as follows: Ten per cent. of each share subscribed shall be paid in cash, and ten per cent. each year in monthly instalments, or otherwise, as may be deemed expedient. Such corporation may, however, commence the business of banking when one thousand dollars of the capital stock has been paid in.

Payment of subscriptions.

May begin business.

Books of subscription.

Organization.

Officers.

Proviso: qualification for director.

Sec. 4. The corporators above named, or any five of them, may open books of subscription, and after one thousand shares of ten dollars each have been subscribed, the subscribers may meet and organize by the election of a board of seven directors, who shall manage the affairs of the company for one year and until their successors are elected, and who shall elect all necessary officers of the corporation, including a president, vice-president and cashier: *Provided*, no person shall be a director in said corporation without first taking at least five shares of stock.

Duties of directors.

Sec. 5. It shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government of the corporation, to elect officers, prescribe their duties, fix salaries, fill vacancies, take bonds from officers of the company and generally do and perform such duties as the regulations and by-laws shall prescribe.

General banking powers.

Sec. 6. Said company shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to procure loans for others. It shall have the power to borrow money in such amounts as the board of directors may determine, and to issue certificates of deposit. It may receive money on deposit on open account or on certificates of deposit and pay interest thereon or not. It may act as guardian, executor, administrator or trustee of estates. It may loan money on mortgage or deed of trust or on other security. It may receive money deposited by a minor, and such money may be withdrawn by the minor without the consent of the parent or guardian of such minor, and his or her check or receipt therefor shall be as binding upon such minor as though he or she were of full age.

Interest on deposits.

May act as fiduciary.

Deposits of minors.

May act as trustee.

Sec. 7. Said corporation shall have power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, person or persons; it shall have power to accept any grant, assignment, transfer, devise or bequest, and to execute the same on such terms as may be agreed upon. It may receive funds in litigation and pay such interest thereon as may be agreed on.

Stock transfers.

Sec. 8. Stock held by any one shall be transferred only on the books of said corporation, either by person or by power of attorney; and no stockholder shall transfer his stock, except by the consent of the directors, if he is indebted to the corporation, as principal, surety or otherwise, until such indebtedness is paid off and discharged; and for all such indebtedness said corporation shall have a lien, superior to all other liens, upon the stock of such stockholder.

Delinquent subscribers.

Sec. 9. Should any subscriber to the capital stock, after he or she has made a payment or payments thereon, fail or refuse to pay the balance due on such subscription as the same may be called for, the board of directors may, after reasonable notice to such delinquent subscriber or representative of such, sell the interest of such subscriber in this company at public outcry at the door of the office of the company, after ten days' notice, and out of the proceeds pay any delinquency so far as it may go.

Principal office.

Sec. 10. The principal office of this company shall be at Winston-Salem, North Carolina.

Sec. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1907.

CHAPTER 22.

AN ACT TO INCORPORATE THE TRYON ELECTRIC LIGHT, WATER AND POWER COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. George O. Ferguson, of two hundred and fifty-three Broadway, New York, Todd Russell and Elizabeth Russell, both of Tryon, North Carolina, and such other person or persons as may be associated with them, their successors and assigns, are hereby

Corporate name.

created a body corporate under the name of Tryon Electric Light, Water and Power Company for the purposes hereinafter described,

Corporate powers.

and under the aforesaid name and style shall have perpetual succession and shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal and alter, renew and break the same at pleasure; and shall have, possess and enjoy all rights and privileges of a corporation or body politic under the general law and also the rights, privileges and fran-

Objects and rights of corporation.

chises herein given. The objects and rights of the corporation shall be, in brief (being hereinafter more specifically set forth), to build and operate electric light and power plants and maintain the same, to build and operate an electric railway and maintain the same, to build and operate a system of water-works in and near the town of Tryon, in the county of Polk, and to acquire lands, rights and easements for any or all of these purposes by condemnation or otherwise, as hereinafter provided.

Corporate powers.

Sec. 2. That said company shall have and is hereby given the right and power to purchase, acquire, hold, lease, manage, control and operate, and to sell, lease and dispose of to such person or persons, corporation or corporations, for such price or prices, and on such terms and conditions which to this corporation may seem proper, water, water rights, privileges for mining, milling operations, agricultural and domestic and other uses, to purchase, deliver, control and generally deal in and dispose of to such person or persons, corporation or corporations, and for such price or prices, and on such terms and conditions as to this corporation may seem proper, electric and other power for the generation and distribution and supply of electricity for light, heat and power

Electric current for light, heat and power.

and for other uses and purposes to which same are adapted. To manufacture, generate, buy, sell, accumulate, store, transmit, furnish and distribute electric current for light, heat and power. To

Machinery.

manufacture, buy, sell, lease, let or operate any and all machinery or appliances for the manufacture, generation, storage, accumulation, transmission or distribution of any and all kinds of electric machinery or supplies of any nature or kind whatsoever. To buy,

sell, operate, lease and let power plants and generating stations for the manufacture, generation, accumulation, storage, transmission and distribution of electric current, and any or all machines used therein or in connection therewith. To manufacture, buy, sell, lease and let fixtures, chandeliers, electroliers, brackets, lamps, globes and other supplies and apparatus used for or in connection with the manufacture, generation, accumulation, storage, transmission and distribution or use of electric current for light, heat or power, or otherwise carry on a general business of electricity, supplying electricity for the purpose of light, heat and power or otherwise. To install and operate, sell or lease wires, cables and fixtures, both interior and exterior, for the transmission and use of electric current. To buy, sell, operate, or lease pole lights, rear poles and string wires thereon or let poles to other individuals or corporations on any and all streets, avenues, highways or roads in nearby counties, townships, towns, villages and cities, and over and under all canals and other waterways and across any and all bridges under such reasonable regulations as the authorities controlling said streets, avenues, highways, roads, canals, waterways and bridges shall, upon application of the company prescribe, and to use the same either for the transmission of electric current for delivery to consumers or to independent venders thereof, and provided permission be first obtained from such authorities before entering upon any such streets, avenues, highways or roads and over and under any such canals or waterways and across any such bridges. To sell or lease to other individuals or corporations the right to string electric wires or attach electric wires to any or all poles so erected, owned or leased, to use such lines both as through lines and for local distribution. To build and construct and use, for any of the purposes and under the conditions stated above, under-ground subways or conduits in such streets, avenues, highways and roads and under such canals and other waterways and string electric wires or conductors therein, and to buy or lease from, or lease or let to, any other individual or corporation the right to string and to use, as aforesaid, electric wires or conductors in any such subways.

Power plants and generating stations.

Fixtures.

Wires, cables and fixtures.

Pole lights.

To sell or lease rights.

Subways or conduits.

Sec. 3. That the said company is authorized and empowered to acquire, construct, own, enlarge, maintain and operate water-works and to supply municipalities, corporations and individuals with water and water power. To acquire, erect, maintain, construct and enlarge all necessary dams, buildings, plants, machinery, fixtures and properties of every sort for supplying municipalities, corporations and individuals with water and water power for all purposes, and to carry on the business incidental thereto, including the acquisition, erection, maintenance, construction and enlargement of water-works, pumping stations and water supplies and the conduits thereto pertaining, in the town of Tryon, in the

Water-works.

county of Polk, in the State of North Carolina, and supplying the town of Tryon in the said State and villages adjacent thereto and the citizens and inhabitants thereof and corporations located and transacting business therein with water and water power for domestic, public and all other purposes, with power to acquire, hold, lease and convey real and personal estate suitable for the business of the corporation and not inconsistent with the laws of North Carolina; and to acquire, hold, lease and convey franchises and grants from State or municipal authorities for supplying cities, villages and towns or either and the inhabitants thereof with water for all purposes and the carrying on the business of operating water-works; and to acquire and own stock and bonds of other corporations organized for like purposes; and to acquire, own, hold and possess all such other personal property as may be suitable or convenient for the business of the company, and with the right to issue bonds and to serve the same by mortgage of the franchises, rights, contracts and property of the corporation, real and personal, and to issue common capital stock and to do all and everything necessary and suitable and proper for any of the purposes or the attainment of any of the objects hereinbefore enumerated which shall at any time appear for the benefit of the corporation.

Franchises.

Sec. 4. Said corporation shall have and is authorized and empowered to apply for, obtain, purchase, lease or otherwise acquire, hold, use, own, operate, sell, assign or otherwise dispose of any franchise or grants from any person, corporation or municipality in this and other States for the operation and conduct of a general electric lighting and water-works business, and for carrying on such business in accordance with the terms of this charter hereinbefore stated.

Street railways.

Sec. 5. That said company shall have and is hereby given the right and power to locate, construct, equip, maintain and operate by electric or other power a street railroad in the town of Tryon, in the county of Polk, in the State of North Carolina, and between said town and other towns in the said county of Polk with one or more tracks, standard gauge or otherwise, by such route as it may select, and it may also construct, maintain and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion and operation of such railroad. And for these purposes it shall have the power to construct culverts, trestles and bridges over and across streams, valleys and depressions; it shall have the right to cross at grade or over or under any railway in the town of Tryon as aforesaid. For the construction of a railway provided by this act the company shall have for the purpose of acquiring lands, easements or rights-of-way all the rights, powers and authorities given to railroads under chapter sixty-one of the Revisal of one thousand nine hundred and five

Power to condemn lands.

of The Code of North Carolina or any act of Assembly amendatory thereof as fully as if the provisions of said chapter were included in this act. In the construction of electric-power lines or water-pipe lines or for other purposes mentioned in this act condemnation proceedings for the acquisition of lands and rights-of-way may be instituted by the corporation and shall be as hereinafter prescribed. Said company shall also have the right and authority to use any public road or highway or street for the construction or operation of its railroad, cars, poles, lines, pipes, conduits or other equipment under such reasonable regulations as the authorities controlling said roads, highways or streets, respectively, shall, upon application of the company, prescribe, provided permission be first obtained from the said authorities before entering upon any such public road, highway or streets. Public roads.

Sec. 6. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon lands or water for the purpose of exploring and surveying the works of said company and locating the same, doing no unnecessary damage to private property; and when the location if said works, in whole or in part, shall have been determined upon and the company shall determine to acquire the same, a survey of the same shall be deposited in the office of the Secretary of State and in the office of the Clerk of the Superior Court of the county where the survey or any part thereof may be located. Entry upon lands for surveys.

Sec. 7. When such survey shall have been completed, and the same with a map thereof filed, then the company shall have and exercise the rights of condemnation granted to railroad, electric, water and other public service corporations under the general laws, and may immediately proceed with such condemnation and may obtain and exercise all such rights of condemnation and eminent domain as are now permitted to such corporations under the law. Condemnation of land.

Sec. 8. The said corporation is authorized and empowered to conduct and carry on its business in accordance with the terms of this charter in all its branches or any of them outside of the State of North Carolina and in other States and Territories and dependencies of the United States, subject to the laws of such States, Territories and dependencies, as well as within the State of North Carolina; to acquire, hold, mortgage, sell, assign or otherwise dispose of any real or personal property or both, or any interest therein, and any franchise, plants, mills, factories, works, warehouses, offices and other works and conveniences for the development and conduct of the business of the corporation subject always to provisions of local law, and generally to do and perform all other lawful acts and things that said corporation may do in and to the said business as in this certificate set forth under Business outside the State.

the provisions of the law of the State of North Carolina, or other statutes in such case made and provided.

Stock of other companies.

Sec. 9. Said corporation shall have the power to subscribe to, purchase or otherwise acquire, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of shares of the capital stock, bonds, debentures or other evidences of indebtedness created by any corporation or corporations, domestic or foreign, to execute all the rights and privileges of ownership therein, including the right to vote thereon, and to issue in exchange therefor its own stock and bonds or other obligations. To hold for investment, own, sell, deal in, guarantee, dispose of and turn to account any such stock, bonds or other securities, and to do any acts or things necessary or proper for the production or develpment of any such corporation or for the preservation, improvement or enhancement of the value of any such stocks, bonds or other securities or any acts or things desired for such purpose, and to control and manage the various business and take and carry on all or part of the business thought proper and to guarantee or assume any liability of any such corporation, and this corporation is otherwise to do all or any of such acts or things.

Investments.

Capital stock.

Sec. 10. The capital stock of the said company shall be twenty-five thousand dollars ($25,000) and may, with the consent of a majority of the stockholders, be altered or increased from time to time to any additional amount not exceeding one hundred and twenty-five thousand dollars ($125,000), by the issue and sale of shares of preferred or common stock or both upon such terms and conditions and under such regulations as the board of directors shall prescribe, but the par value of every share shall be one hundred dollars ($100); and the company may receive cash, labor, material, bonds, stock, contracts, real and personal property in payment of subscriptions to its capital stock. A majority of the corporators hereinbefore named, or such of them as shall be subscribers, may organize the said company by electing a board of directors, and providing for the election or appointment of such other officers by said board of directors as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under this charter and the laws of this State. No subscriber shall be individually liable for the debts of the company.

Organization.

Location.

Sec. 11. The location of the principal business office of the corporation is to be in the town of Tryon, in the county of Polk.

Stock votes.

Sec. 12. Every stockholder in the company shall, at all meetings or elections, be entitled to one vote for every share of stock registered in his name.

Stockholders.

The stockholders of said company, or board of directors, under a resolution of the stockholders aforesaid, may enact such by-laws, rules and regulations for the management of

the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such time and places as the stockholders and board of directors may respectively prescribe. Meetings.

Sec. 13. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 14. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1907.

CHAPTER 23.

AN ACT TO AMEND CHAPTER 122 OF THE PRIVATE LAWS OF 1901, RELATIVE TO GRADED SCHOOLS IN THE TOWN OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and twenty-two of the Private Laws of one thousand nine hundred and one be and the same hereby is amended as follows: Strike out in line twenty-five of section four of said chapter the word "twenty," and insert in lieu thereof the word "twenty-five"; and in line twenty-six of said section, strike out the word "sixty," and insert in lieu thereof the word "seventy-five." Tax rate increased

Sec. 2. That at any time after the ratification of this act the Board of Commissioners of the Town of Hendersonville may submit to the qualified voters of said town the question, whether or not the special tax levy, provided for in said chapter, shall be increased. Said election to be held in all respects as provided in chapter one hundred and twenty-two, of the laws aforesaid, for the holding of such elections as are therein provided for. At said election those who favor an increased levy shall vote a ticket, on which shall be written or printed the words "For Increased Levy," and those who are opposed to such increased levy shall vote a ticket, upon which shall be written or printed the words "Against Increased Levy." If the majority of the qualified voters of said town shall be in favor of said increased levy, same shall be levied and collected annually, as provided in said chapter for the levy and collection of the taxes therein mentioned. Election on increase. Form of ballots.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1907.

CHAPTER 24.

AN ACT TO INCORPORATE THE TOWN OF ROPER IN WASHINGTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated. Corporate name. Section 1. That the town of Roper in Washington County be and is hereby incorporated by the name and style of the "Town of Roper," and shall be subject to all the provisions contained in chapter seventy-three, volume one, Revisal of one thousand nine hundred and five, of North Carolina.

Corporate limits. Sec. 2. The corporate limits of said town shall be as follows: Commencing at L. G. Roper's southwest corner on Blount's mill-pond; thence eastwardly down L. G. Roper's and W. D. Cooper's line to the Norfolk and Southern Railroad; thence the shortest course to a bridge at the southwest corner of Hardy Gaylord's field; thence eastwardly and northwardly along a ditch to Deep Run; thence down Deep Run, its various courses, to Kendrick's Creek; thence up Kendrick's Creek to Beaver Dam bridge; thence in a southwesterly direction across the public road to William Skinner's northwest corner, southwardly along William Skinner's west line to the west line of W. T. Spruill's land; thence along said west line to the public road; thence eastwardly and southwardly along the public road to the bend in front of the "Squire" Henry Downing home; thence across the land and Blount's mill-pond the nearest course to the beginning.

Town officers. Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners, regular and special policemen, clerk and treasurer, and such other officers as the town may elect, and the following named persons shall fill the offices of mayor and commissioners from their qualification until the first Tuesday after the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified: For mayor, Thomas W. Blount, and for commissioners, L. G. Roper, N. B. Mizell and W. C. Thompson.

First officers named.

Appointment of other officers. Sec. 4. That the clerk, treasurer and regular policemen shall be appointed by the town commissioners, and the special policemen shall be appointed by the mayor.

Town ordinances. Sec. 5. That the mayor and commissioners shall form a council and make, publish and enforce ordinances for the government of said town, not inconsistent with the Constitution of the United States, the Constitution of North Carolina, and the laws of said sovereignties.

Officers to qualify. Sec. 6. The officers provided for by this act shall qualify within sixty days after the ratification of the same, before a justice of the peace, or Clerk of the Superior Court of Washington

County, and all officers hereafter elected shall qualify in like manner within ten days after their election.

Sec. 7. The manufacture and sale of spirituous, vinous and malt liquors are expressly prohibited in said town. Manufacture and sale of liquors forbidden.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1907.

CHAPTER 25.

AN ACT TO AUTHORIZE THE CORPORATION COMMISSION TO GRANT TO CAROLINA, GLENANNA AND PEE DEE RAILWAY AND DEVELOPMENT COMPANY THE RIGHT TO SUSPEND OPERATIONS AS A COMMON CARRIER.

Whereas, the General Assembly of North Carolina passed an act entitled "An act to amend chapter one hundred and three, Private Laws of one thousand nine hundred and three, relative to the incorporation of the North Carolina Mining, Manufacturing and Development Company, changing the name to the Carolina, Glenanna and Pee Dee Railway and Development Company," the same being chapter two hundred and fifty-seven, Private Laws of one thousand nine hundred and five, and among other powers granted by said act and the act of one thousand nine hundred and three, therein referred to, was the power to operate a line of railway; and whereas, the said corporation, known as the Carolina, Glenanna and Pee Dee Railway and Development Company, is now operating a line of railway between the town of Thomasville, N. C., and the town of Denton, N. C.; and whereas, the property of said Carolina, Glenanna and Pee Dee Railway and Development Company has lately changed hands, and, in the opinion of the present owners of the capital stock, the physical property is in such condition that it is undesirable to continue operating the same until substantial repairs and improvements are made, which said repairs and improvements cannot be made with the railway in continuous operation: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That said Carolina, Glenanna and Pee Dee Railway and Development Company may from time to time, when in the opinion of the board of directors it is necessary and desirable to do so, suspend operations as a common carrier, to make the said repairs and improvements above referred to, without incurring any liability for such suspension, or suspensions: *Provided*, permission be first had and obtained from the Corporation Com- Corporation may suspend operations. Proviso: consent of corporation commission to be obtained.

mission, stating the duration of time for which said suspension, or suspensions, is granted: *Provided further*, that the Corporation Commission shall not at any time authorize a suspension, as herein above provided, for a greater period of time than two consecutive weeks.

Notice of suspension.

Sec. 2. Be it further enacted, that one week's notice of such suspension or suspensions, and the duration thereof, shall be given in some newspaper published in the county of Davidson and State of North Carolina.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1907.

CHAPTER 26.

AN ACT TO AMEND THE CHARTER OF THE PIEDMONT TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the Piedmont Trust Company, granted by the Secretary of State of the State of North Carolina on the fourteenth day of October, A. D. one thousand nine hundred and three, be and the same is hereby amended as follows: That is to say, by adding after section three (*c*) of said charter the following articles, to-wit:

General banking powers.

"Article 3 (*d*). That said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation; to invest its money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments or personal property, or interest therein of any description, situate anywhere; to lend money upon or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable or commercial papers, or any crops or produce whatever, and what is known as cash credit, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on any such loans not exceeding the rate allowed by law. The said corporation may receive deposits for minors and married women and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman, the said company may deal with such minors or married women in reference

Deposits of minors and married women.

thereto as though he or she were *sui juris*, and payment made to such minor or married woman on his or her receipt or acquittance, or his or her check drawn against such deposit shall be a valid and sufficient release and discharge from such corporation for such deposit and any interest thereon and any part thereof.

"Article 3 (*e*). That said corporation shall have the power to receive money in trust, to become executor or administrator of any estate, and to accept and execute any other trust that may be committed to it by any Court, corporation, company, person or persons; and it shall also have power to accept any grant or transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, and to execute the same on such terms as many be established and agreed upon by the board of directors; that in all cases when application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the Piedmont Trust Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it was a natural person, and upon such settlement or adjustment all proper, legal and customary charges, cost and expense shall be allowed to said corporation for its services, care and management in the premises, and the said corporation, as such receiver, trustee, administrator, executor, assignee, commissioner or guardian, shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken in order for qualification to any of the offices or trusts above mentioned may be taken by any officer of said company, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals."

May act as fiduciary.

Court may appoint company in fiduciary capacity.

Sec. 2. That article five of said charter be and the same is hereby stricken out and the following is substituted in lieu thereof: The total authorized capital stock of this corporation is one hundred thousand dollars ($100,000), divided into one thousand (1,000) shares of the par value of one hundred dollars ($100) per share, but the corporation may continue and do business with all the powers with which it is chartered when ten thousand dollars ($10,000) of the capital stock, composed of one hundred (100) shares of the par value of one hundred dollars ($100) per share shall have been subscribed for. Of the remaining ninety thousand dollars ($90,000) of capital stock, any portion thereof from time to time, not exceeding fifty thousand dollars ($50,000), may, at the option of the stockholders, be issued as preferred stock, with such powers, privileges and preferences as

Capital stock.

to dividends, assets, rights, limitations and restrictions as the stockholders, by proper corporate action may determine: *Provided, however*, that at no time shall the corporation have issued and outstanding preferred stock in an amount greater than the common stock actually issued and outstanding.

Individual liability of stockholders.

Sec. 3. That when the corporation exercises the power herein granted to do a banking business, that the stockholders in said corporation shall be individually responsible, equally, ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such stock, but until such time as the said corporation shall exercise such power and shall engage in the business of banking, the stockholders in said corporation shall have the same liability as stockholders of any other corporation organized and existing under the laws of the State of North Carolina, which is not engaged in the business of banking.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1907.

CHAPTER 27.

AN ACT TO AUTHORIZE THE CITY OF CONCORD TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the city of Concord, through its board of aldermen, is hereby authorized and empowered to issue bonds to

Amount.

the amount of one hundred thousand dollars ($100,000), for

Special tax.

the purposes hereinafter specified in this act, and levying and collecting annually a special tax for the payment of the interest thereon, and to create a sinking fund, as hereinafter provided, for the payment of the principal of said bonds.

Application of proceeds.

Sec. 2. That the proceeds arising from the sale of said bonds shall be applied to the following purposes: To the payment of the present indebtedness of said city incurred for the necessary expenses of the municipal government, and for the purpose of paying the remainder of the indebtedness incurred for the establishing, maintaining and completing water-works plant for the city, and for purchasing, maintaining and completing an electric plant belonging to the said city of Concord, same being necessary expenses of said city, and for the payment of any notes or obligations and evidences of debt that have heretofore been contracted

by the said city of Concord for necessary expenses, and if any money is left after the payment of the above amounts so mentioned the sum is to be applied to the building and completing sidewalks on the streets of said city.

Amount. Sec. 3. The city of Concord, through its aldermen, shall issue coupon bonds to the amount of one hundred thousand dollars ($100,000), in denominations not less than one thousand dollars ($1,000), bearing interest from date of the bonds at a rate not exceeding five per centum per annum, payable semi-annually at the Concord National Bank, or the Cabarrus Savings Bank, or the Citizens Bank and Trust Company, in said town, or their correspondent banks in the city of New York, at the option of the holder, on the first days of January and July of each year until said bonds are paid. That said bonds shall be made payable and become due at the expiration of thirty years from the date thereof. The bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor, countersigned by the clerk of the board of aldermen of said city, and sealed with the corporate seal of said city and a record shall be kept of all bonds. The coupons shall be registered in payment of all taxes due, or which may become due said city, except such taxes as may be levied for the graded schools of said city. The said bonds and their coupons shall be exempt from taxation by said city. The purchaser, or purchasers, of said bonds shall not be required to see that the purchase-money is applied to the purposes prescribed in this act.

Denominations.

Interest.

When bonds due.

How bonds authenticated.

Coupons receivable for taxes.

Bonds exempt from city tax.

Special tax. Sec. 4. In order to pay the interest on said bonds, the city of Concord, through its board of aldermen, is hereby authorized, and it shall be its duty, through its board of aldermen, to annually compute and levy, at the time of levying other taxes of said city, a sufficient special tax upon all property, real and personal, and other subjects of taxation mentioned in the charter if the city of Concord and acts amendatory thereto, which shall be returned, or listed, for general taxation in said city, with which to regularly and promptly pay the interest on said bonds, and said taxes shall be collected in the same manner and at the same time the other taxes of said city are collected, and shall be paid over by the city tax collector to the treasurer of said city, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former officer for collecting and paying over and the latter for the safe-keeping and proper disbursement of said funds. It shall be the duty of said city treasurer to cancel all coupons at the time they are paid off and taken up by him, and to keep a record of the same.

Coupons canceled and records kept.

Sinking fund. Sec. 5. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of the said city of Concord, through its board of aldermen, at and after the expiration of twenty years from the date

of said bonds, to annually levy and collect a special tax in addition to that mentioned in section four of this act, and the taxes provided for in this section shall equal in amount one-tenth of the amount of bonds issued under this act, and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, as provided in section seven of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said aldermen shall cease to levy taxes for said sinking fund.

Moneys to be kept separate.

Sec. 6. That the taxes, levied and collected for the purposes specified in sections four and five of this act, shall be kept separate and distinct from each other and from any and all other taxes, and shall be used only for the purposes for which they are levied or collected, and any mayor or aldermen who shall appropriate, by vote or otherwise, to any purpose directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and said city, through its board of aldermen, at the time of levying taxes for the payment of interest for said next succeeding year, shall take into consideration said excess, and compute and levy said taxes accordingly.

Diversion of funds a misdemeanor.

Proviso: application of surplus.

Investment of sinking fund.

Sec. 7. That it shall be the duty of said city of Concord, through its board of aldermen, to annually invest any and all moneys arising from the special tax collected, under section five of this act, in the purchase of any of the said bonds at a price deemed advantageous to said city by said board of aldermen, but in case said bonds cannot be purchased, as provided for, then the city of Concord, through its board of aldermen, may lend said sinking fund, or any part thereof, in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security therefor, and for the payment of interest thereon, mortgages or deeds in trust in the name of some trust company, on sufficient real estate, or bonds issued under this act may be taken as collateral security for such loan. The notes, or other evidences of debt, given for any loan under this section, shall be executed to and in the name of the city of Concord, and shall bear interest payable annually at the rate of not less than six per centum per annum; and in case the city of Concord, through its board of aldermen, shall not be able to invest any or all of said money annually, as directed above, they may and it shall be their duty to cause such part as they are unable to invest to be deposited with some bank or banks,

trust or safe deposit company, or companies, of undoubted solvency at the best obtainable rate of interest, and any and all interest arising from the investment, as above directed, shall be invested in the manner as before provided. Any mayor or aldermen of said city who shall be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor.

Agents appointed for sale of bonds.

Sec. 7½. That D. B. Coltraine, H. I. Woodhouse and Charles Wagoner are hereby appointed agents of the said town of Concord to negotiate the sale of said bonds and effect a sale of the same at the best price possible. The proceeds of said bonds shall be paid by the purchasers directly to the town treasurer, to be distributed as herein provided.

Sec. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1907.

CHAPTER 28.

AN ACT TO INCORPORATE MACON COUNTY BANK.

The General Assembly of North Carolina do enact:

Corporations.

Section 1. That T. B. Higdon, M. D. Billings, F. L. Siler, J. W. Mann, A. W. Horn, S. Porter, J. A. Porter, T. W. Porter, M. L. Kelly, Sam L. Kelly, W. L. Higdon, John S. Trotter, E. H. Franks, H. G. Trotter, H. D. Dean, G. T. Stiles, D. W. Blaine, James Morrison, W. A. Curtis, Stalleur Furniture Company, J. S. Robinson, E. K. Cunningham, J. T. Moore & Co., R. Furman Jarrett, Charles E. Trotter, Mrs. J. R. Pendergrass, N. L. Barnard, Dr. S. H. Lyle, Nettie C. Arthur, T. M. Slagle, J. F. Palmer, Lee Crawford, J. T. Berry, J. T. Henry, Alex. Moore, Walter C. Harmon, Charles A. Divine, C. C. Currier, H. P. Moore, C. K. Waits, R. M. Ledford, F. B. Benbow, and Joseph Smart, their associates, successors and assigns, are hereby created a body corporate under the name and style of "Macon County Bank," and shall exist for sixty years with full power to sue and be sued in any court in the State, or United States, to acquire, own and convey real and personal property, and to adopt and use a common seal, which may be altered when deemed expedient.

Corporate name.

Corporate powers.

Capital stock.

Sec. 2. The capital stock of the corporation shall be thirty thousand dollars ($30,000), divided into shares of one hundred dollars ($100) each, which capital stock may be increased from time to time by a vote of a majority of the stock to a sum not to exceed sixty thousand dollars ($60,000). The corporation may commence business when twenty-five thousand dollars ($25,000) of

When business to begin.

Books of subscription.

the capital stock is subscribed and paid in, and the directors are authorized to open books of subscription and accept subscriptions for the remaining five thousand dollars ($5,000) stock, as soon thereafter as a bank building and offices are in course of construction.

Location.

Directors and officers.

Bonds of officers.

Meetings of stockholders.

Election of directors.

Election of other officers.

Vacancies.

Employers.

Sec. 3. The office and place of business of said corporation shall be at Franklin, Macon County, North Carolina, and its officers shall consist of a board of not less than three nor more than nine directors, as may be determined by the stockholders, a president and vice-president, who shall be elected from the directors, and a cashier, and such other officers and employees, such as assistant cashier, teller, bookkeeper, etc., as the board of directors may deem necessary and expedient. The president and cashier, and such other officers or employees as may be designated by the directors, shall be required to give bonds in such sum as may be designated by the directors, with approved security for the faithful performance of their respective duties. The stockholders shall meet annually and at such other times as their directors may designate, and shall, at their annual meeting, elect a board of directors, who shall serve for a period of twelve months and until their successors are elected. The directors so elected at such annual meeting shall immediately elect from their number a president and a vice-president, who shall serve for a term of twelve months and until their successors are elected and qualified. The directors shall have power to fill vacancies in their board caused by death, resignation or otherwise, occurring during the year, who shall serve until the next annual meeting thereafter and their successors elected. The board of directors shall have power to elect a cashier, teller, and such other officers and employees as may, from time to time, be necessary and fix and prescribe their terms of office, duties, compensation, etc.

Organization.

Collection of subscriptions.

Sec. 4. At any time after the ratification of this act, the incorporators herein named, or a majority of them, may call a meeting of the stockholders, provide for the opening of books of subscription, collect and receive sums subscribed for stock, and at such meeting accept the charter, and when twenty-five thousand dollars ($25,000) of stock shall have been subscribed and fifty per cent. of same is paid in, and a majority of the stock so subscribed is represented, may elect a board of directors, who shall immediately elect such officers as are provided for in preceding sections, shall organize said corporation for commencement of business and adopt such regulations and by-laws for the government of said corporation and its officers as they may deem proper, not inconsistent with this charter and the laws of the land, provide for the assignment and transfer of stock, decide upon a time for beginning business, collect any sums remaining unpaid on capital stock subscribed, and for such purpose may bring suits or sell

said stock as is hereinafter provided for the sale of stocks, and in case the full amount of capital stock subscribed shall not be paid within five days after the time set for opening the bank and the beginning of business, that the said directors shall notify any delinquent subscribers to stock of the balance on stock due, and should the same not be then paid in, may proceed to collect it by the sale of stock as provided by this charter and law.

Banking powers.

Sec. 5. That said corporation shall have the right to receive deposits, issue certificates therefor, pay interest on deposits not exceeding legal rates, receive and pay out the currency of the country, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities, to loan money to or receive deposits from any and all persons, firms, associations and incorporations, including apprentices, minors, *feme coverts*, or other persons, on such terms and time and manner of collection and payment as may be agreed between the parties; and for the use and loan of money may charge interest not exceeding the rate allowed by law, and may take and receive said interest at the time of making said loan or otherwise, without liability to purchase notes, bonds, securities, municipal, county, State or United States bonds at a price which may be agreed upon between the parties, to invest in the stock of any corporation organized or authorized to do business under and by virtue of the laws of this State, and to take such real, personal or mixed property upon such terms, trust and condition for the security and payment of money loaned, advanced, or expended as may be considered safe, beneficial and expedient; and to take as security any deposit, assignment, lien, mortgage, deed of trust or deeds deposited in escrow; and may purchase and hold in fee-simple any real or personal property when deemed necessary or expedient to protect the interest of said corporation; to purchase lots necessary and erect a banking house with such additional store-room, offices, etc., in connection therewith for rent as may be deemed profitable and expedient: *Provided*, not more of the capital stock than twenty-five per cent. of said sum of sixty thousand dollars shall be expended in the purchase of such lot and the construction of said banking house; may negotiate loans and charge a commission therefor from the lender or borrower and exercise all power, rights and privileges conferred by the laws of the State on banks and corporations, especially those set forth in chapter seven, volume one, of the Revisal of one thousand nine hundred and five, and the powers, rights and privileges herein set forth in addition thereto. That said corporation shall be and is hereby authorized and empowered to keep for rent safety deposit boxes, and to receive and keep on deposit for safe-keeping any article or thing of value, and to charge and collect compensation therefor; and shall have power to purchase and construct vaults, purchase safe and fixtures and

Proviso: limit to expenditures for banking house.

Safety deposit boxes.

all equipment necessary or convenient for the transaction of a general banking business; and may adjust, settle, collect or dispose of any security, bond or other evidences of indebtedness upon such terms as may be agreed upon. That when *femes covert*, minors or apprentices shall deposit money or other thing of value in said bank, generally or specially, to their own credit, the same may be withdrawn on their own check, draft or other order, and they and all other persons shall be bound by such draft, check or order, and the same shall be an absolute release and discharge of said bank from liability for the same.

Deposits of married women, minors or apprentices.

Conveyance of real estate.

Sec. 6. Any real estate held by the corporation at any time may be conveyed by deed, signed by the president and attested by the cashier with the corporate seal affixed: *Provided*, that said conveyance shall be authorized by the board of directors.

May act as surety.

Sec. 7. That said corporation is authorized to endorse or guarantee the payment of any dividends, bonds, notes, mortgages, securities, undertakings or other evidences of debt of any person, partnership, company or corporation upon any consideration agreed upon.

Deposits of trust funds.

Sec. 8. That said bank may receive, handle and receipt for, as other deposits, any and all funds of any State, county or town officer, or of any executor, administrator, guardian, receiver or other trustee having the care, custody or control of money, bond, stocks, securities or other things of value whatsoever.

May act as fiduciary.

Sec. 9. That said corporation shall have power and authority to accept and execute trusts of any and every description which may be committed or transferred to it with its consent by any person, corporation, or by any court in this or any other State, and shall receive therefor such usual and customary fees, commission and charges as are allowed individuals in like capacity and in such cases.

May act as agent, factor or trustee.

Sec. 10. That said corporation shall have the right to act as agent, factor or trustee for any State, county, township, town or other municipality or corporation, company or individual on such terms as to compensations and commissions as may be agreed on in the registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of on account of any State, county, township, town, municipality, corporation, company or individual, any land, certificate of stock, notes of any description, or property, real or personal, or for endorsing or guaranteeing the payment of said certificates of stock, notes, etc., and generally for managing such business, and for doing any of the matters and things authorized by this charter, the said corporation may charge such premiums, commissions or rates of compensation as may be agreed upon.

Liability of stockholders.

Sec. 11. The stockholders shall be individually liable, equally and ratably, and not one for another, for all contracts, debts and

engagements of such corporation to the extent of the amount of their stocks therein at par value in addition to the amount invested in such shares, but such additional liability shall not apply to any person holding shares only as collateral security.

Transfers of stock.

Sec. 12. That the stock issued and the certificates therefor shall not be assignable in the hands of any holder except by transfer on the books of said corporation, either in person or by power of attorney, and then only after any obligation, engagement, indebtedness or endorsement, whether due or not due, which the bank may hold against the person or holder proposing to assign, has been fully discharged, unless the board of directors shall consent to such assignment: *Provided*, this shall not impair any rights of an innocent purchaser for value and without notice: *And provided*, nothing contained herein shall be construed as authorizing or permitting said bank to make loans on its own stock as security.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1907.

CHAPTER 29.

AN ACT TO INCORPORATE THE TOWN OF WHITTIER, IN SWAIN AND JACKSON COUNTIES, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Whittier, in Swain and Jackson counties, North Carolina, be and the same is hereby incorporated by the name and style of the "Town of Whitter," and shall be subject to all the provisions contained in The Code of North Carolina for incorporated towns, also subject to the general law in relation to municipal corporations.

Corporate name.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: one-half mile in all directions from the Southern depot in said town.

Officers.

Sec. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable.

Town elections.

Sec. 4. That the first regular election for mayor, commissioners, and constable shall be held on Tuesday next after the first Monday in May, one thousand nine hundred and seven, and every two years thereafter. And it shall be the duty of the mayor herein-after named, after giving ten days' notice at three or more public places, by posters in the said incorporation, prior to the said first Tuesday after the first Monday in May, one thousand nine hundred and seven, to appoint a registrar and three judges of the

Notice of election.

Election of officers.

election to conduct the election herein provided for under the same restrictions and regulations that other general municipal elections are held: *Provided*, that elections held hereafter under the provisions of this charter shall be subject to the general law governing municipal elections in North Carolina: *Provided further*, that the following officers nominated and appointed under this act shall exercise the duties of said officers from the ratification hereof until the said election shall have been held, to-wit: Robert J. Roane, mayor; J. F. Enloe, P. P. McLean and W. J. Miller, commissioners, and John C. Johnson, constable.

Proviso: general municipal election law.

Proviso: first officers named.

Voters.

Sec. 5. That all the qualified voters in said corporation that have resided therein for four months previous to the day of the election, shall be entitled to vote in said election.

Officers to qualify.

Sec. 6. It shall be the duty of the commissioners, mayor and constable elect to meet, take the oath of office and organize as soon after the ratification of this act as practicable.

Tax limits.

Sec. 7. That the commissioners shall have power to levy and collect a tax not to exceed one dollar and twenty cents on the poll and forty cents on the hundred dollars worth of real and personal property in said town.

Powers of town constable.

Sec. 8. When it shall be necessary for the preservation of the public peace, good order and public decency or the protection of life, liberty, person or property of individuals, the town constable shall have power, and it shall be the duty of such constable, to arrest the body of offending parties who have violated the law in the presence of said constable, without warrant, and take such person or persons before the mayor of said town as early as practicable, to be dealt with as the law directs. And for every resistance to such authority by such offender or others, the party so resisting shall be punished as the ordinances of said town shall provide; and if necessary, the constable shall have power to call to his aid any by-stander to assist him in any legal arrest, and any one so summoned or called, who refuses or fails to assist in making such arrest, shall, upon conviction before the mayor, be punished as the ordinances of the said town shall prescribe.

Resistance to authority.

Commissioners to abate nuisances.

Sec. 9. That the commissioners shall also have power to abate all nuisances and impose such fines and penalties as may be necessary to abate them. They shall also have power to prescribe any rules, regulations and ordinances for the good government of the town not inconsistent with the laws of the State or of the United States. And the constable of said town shall have the authority to arrest all persons violating said ordinances under a warrant issued by the mayor of said town.

Rules, regulations and ordinances.

Secretary.

Sec. 10. That it shall be the duty of the commissioners when organized to appoint a secretary, whose duty it shall be to record all the proceedings of the commissioners; and also to appoint a

treasurer, who shall enter into bond, approved by the commissioners, and it shall be their duty to require the constable to enter into bond, payable to the State of North Carolina, to the use of the town of Whittier, conditioned for the faithful performance of his duties, approved by the commissioners. Treasurer.

Sec. 11. That the commissioners shall have the power to apply the taxes collected under this act to improvement of the public streets and public roads and other public improvements within the corporate limits of said town, as they may deem necessary: *Provided*, that nothing in this act shall prohibit any road subject within said corporate limits from working out his corporation taxes at one dollar per day, as the commissioners may direct: *Provided further*, that the road law and road taxes of Jackson County shall not apply to any part of Jackson County within said corporate limits. Application of taxes. Proviso: service in lieu of taxes. Proviso: county road law not to apply.

Sec. 12. That the officers in said town shall receive such compensation for their services as the mayor and commissioners of said town in their discretion shall authorize. Compensation of officers.

Sec. 13. That if any offense be committed in said town, on the Jackson County side, in which the mayor has not final jurisdiction, the offender shall be held over to the Superior Court of Jackson County. Offenders bound over.

Sec. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1907.

CHAPTER 30.

AN ACT TO REPEAL CHAPTER 370 OF THE PRIVATE LAWS OF 1905 OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and seventy of the Private Laws of North Carolina passed by the General Assembly of one thousand nine hundred and five, being entitled "An act to incorporate the town of Roaring River," be and the same is hereby repealed. Town charter repealed.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1907.

CHAPTER 31.

AN ACT TO INCORPORATE THE TOWN OF SPRUCE PINE, MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Spruce Pine, in the county of Mitchell, be and the same is hereby incorporated by the name and

Corporate name.

style of the "Town of Spruce Pine," and shall be subject to all the provisions of law of chapter seventy-three of the Revisal of one thousand nine hundred and five, or other existing laws in reference to incorporated towns.

Corporate limits.

Sec. 2. That the corporate limits of said town shall extend from the South and Western depot one mile in all directions.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor and three commissioners, and a marshal, and the following persons shall fill said offices until the first Tuesday after first Mon-

First officers named.

day of May, one thousand nine hundred and seven: Benjamin Harrison, mayor; W. Mc. Wilson, L. A. Berry, T. A. English, commissioners; Weldon Buchanon, marshal.

Town elections.

Sec. 4. There shall be an election held for the offices mentioned in this act on the first Tuesday after the first Monday in May, one thousand nine hundred and seven, and every two years thereafter, under the same laws and restrictions that State and county elections are held.

Powers of commissioners.

Sec. 5. That said commissioners shall have power to pass all by-laws, ordinances, rules and regulations for the good government of the town, not inconsistent with the laws of the State, or the United States, and shall have power to collect and levy a tax

Tax rate.

on all subjects of State taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars valuation of property, real and personal, to impose fines and

Clerk, treasurer and other officers.

penalties and collect the same. They shall also have power to elect a clerk, treasurer or other officers, if they deem it necessary, and shall fix the pay of the officers of said town.

Prohibition.

Sec. 6. That it shall be unlawful to make or sell spirituous, vinous or malt liquors within said town.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1907.

CHAPTER 32.

AN ACT TO INCORPORATE RAMSEUR GRADED SCHOOL DISTRICT, RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all the territory embraced within the following described boundary, to-wit, beginning on the north bank of Deep River at the point where the line between Columbia and Franklinville townships crosses said river; thence north along said township line to the Franklinville road; thence east with said road to the Liberty road; thence northeast with said Liberty road to north side of Milliard Burgess' lands; thence east with said Burgess' north line to J. M. Kirkman's line; thence with said Kirkman's north line to the Alfred Pugh lands; thence east with the north line of the Alfred Pugh place to the White's Chapel road; thence south with said road to the northwest corner of C. T. Hudson's lands; thence east with his north line to the Liberty road; thence southwest with the Liberty road to the north corner of the Dr. L. M. Fox place; thence east with his north line to the A. G. Burgess lands; thence around north side of said Burgess lands to J. S. Bowdoin's line; thence around north side of said Bowdoin's lot to Ann Allred's lot; thence around south side of Ann Allred's lot and around north side of D. B. Burgess' lands to the W. H. Foust lands; thence north with the west line of said Foust lands to the Stage road; thence east with the said Foust's north line to G. M. Kimery's line; thence with said Kimery's to the northwest corner of the undivided part of the Alfred Smith lands; thence around the north and east side of the undivided Smith lands to J. A. Stout's line; thence with J. A. Stout's east line to J. T. Siler's line; thence with J. T. Siler's east, south and west lines to J. A. Stout's line; thence with J. A. Stout's west line to the W. H. Foust lands; thence with the south line of the said Foust lands to J. A. Parks' line; thence with J. A. Parks' south line to W. C. Stout's line; thence with said W. C. Stout's south and west line to Reed Creek; thence with the various courses of said creek to Deep River; thence west with the various courses of Deep River to the corporate limits of the town of Ramseur; thence across said river to the edge of J. Rankin Craven's lands; thence down the courses of said river with said Craven's line to the line between said Craven and Worth Lutterloh; thence with said J. Rankin Craven's line to J. C. Welborne's line; thence with said Craven's line to the point where corporate limits of the town of Ramseur cross Deep River; thence with the corporate limits of the town of Ramseur on the south side to Deep River; thence west with the various courses of said river to the township line; thence

Boundaries.

Incorporation. Corporate name.

across said river to the beginning, be and the same is hereby incorporated under the name and style of "Ramseur Graded School District."

Election validated.

Sec. 2. That the special-tax election held in public school district number one, white race, Columbia Township, on the twentieth day of June, one thousand nine hundred and five, under and by the authority of section twenty-four, chapter four hundred and thirty-five, Acts of one thousand nine hundred and three, as amended by section fourteen, chapter five hundred and thirty-three, Acts of one thousand nine hundred and five, be and the same is hereby declared legal and valid in all respects, and all property now in said boundary described in section one of this act, or that may be in said boundary at any future times, shall be taxed thirty cents on each one hundred dollars valuation, and each poll ninety cents, for the support of a system of public graded schools for white children, as hereinafter provided.

School tax.

Trustees named.

Sec. 3. That W. H. Watkins, Sr., Dr. C. S. Tate, J. N. Whitehead, W. C. Stout and J. D. Leonard are hereby constituted a board of trustees for the public graded schools of said district, and shall serve for the period hereinafter indicated and until their successors are elected and qualified; that W. H. Watkins, Sr., shall serve one year, Dr. C. S. Tate shall serve two years, J. M. Whitehead shall serve three years, W. C. Stout shall serve four years, and J. D. Leonard shall serve five years, the term of office of said trustees to begin on the first Monday in April, one thousand nine hundred and seven. That upon the expiration of the term of office of any of said trustees, as above provided, the remaining members of said board of trustees shall elect a trustee to fill the vacancy, and the remaining members shall at all times have the authority to fill vacancies arising from any cause, and each trustee so elected shall serve for a term of five years, except such trustees as shall be elected to fill out unexpired terms.

Terms of office.

Successors and vacancies.

Trustees incorporated. Corporate name. Corporate powers.

Sec. 4. That the said board of trustees and their duly constituted successors in office shall be and are hereby constituted a body corporate by the name and style of the "Board of Graded School Trustees of the Ramseur District," and by that name may sue and be sued, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange or sell the same, and exercise such other rights and privileges as appertain to corporations under the general law; and said corporation may have a corporate seal, which it may break and change at pleasure: *Provided*, that the office of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of this State.

Proviso: trustees not officers.

Duties of trustees.

Sec. 5. It shall be the duty of said board of trustees to establish and maintain in said district a system of public graded schools for the white children resident therein between the ages of six

and twenty-one years; and the board of trustees shall have exclusive control of such schools, shall employ, fix the compensation of, and dismiss teachers and officers, and exercise all other powers which they may deem necessary for the proper and successful operation of said schools. That rules and regulations made and adopted by said board of trustees for the government of said schools shall be as valid and binding on the teachers, officers and pupils of said Ramseur graded schools as are any of the provisions of this act.

Rules and regulations.

Sec. 6. That all public school property, both real and personal, now belonging to the public school of district number one, white race, Columbia Township, Randolph County, North Carolina, and the title thereto, shall be vested in said board of trustees. Said trustees may in their discretion sell the same or any part thereof, and apply the same to the use of said graded schools as in their judgment they deem best. Said board of trustees shall have the right to provide buildings and equipment for said schools in their discretion, and they are hereby empowered to pay for same out of any moneys that may come into their hands for the use of said schools.

Title to school property vested in trustees.

Sec. 7. That said board of trustees shall cause to be taken, in the month of August of each year, an accurate census of the white children between the ages of six and twenty-one years, as required by the general school law, and shall furnish a copy of said census to the County Superintendent of Schools on or before the first Monday of September of each year; and the said board of trustees shall cause said census to be recorded in a book to be kept by them for that purpose, and deliver the same to the superintendent or principal of the graded schools on or before the opening of said graded schools each year.

School census.

Sec. 8. That said board of trustees may from time to time fix the courses of study and adopt text-books for said graded schools, and they may provide for further instruction other than that provided in the prescribed course, and fix a rate of tuition to be charged therefor, and to admit pupils residing outside the district upon such terms as said board of trustees may prescribe.

Courses of study and text-books.

Tuition for extra courses.

Sec. 9. All powers conferred upon school committeemen under the general school law of the State are hereby conferred upon said board of trustees, and said trustees shall be charged with all the duties and obligations imposed upon district school committeemen by the general school law not inconsistent with this act.

Powers and duties of trustees.

Sec. 10. That said board of trustees shall elect annually a superintendent or principal for the said graded schools, whose duty it shall be to supervise the work of said graded schools under the direction of the board of trustees and exercise such other powers and discharge such other duties as may be prescribed by said

Superintendent or principal.

board of trustees. It shall be his duty to examine and certificate all teachers in said graded schools. Said superintendent or principal shall make reports for the said graded schools, as required by the general school law. He shall hold teachers' meetings each week during the sessions of the graded schools for the benefit of the teachers teaching therein, and he shall at these meetings and at other times advise the teachers in said graded schools and assist them in planning their work for the different grades.

Reports.

Teachers' meetings.

Trustees to organize.

Sec. 11. The board of trustees provided for in section three of this act shall meet on the first Monday in April, one thousand nine hundred and seven, and organize by electing a chairman, a secretary, a treasurer and such other officers as they shall deem necessary for the successful operation of said graded schools, and they shall, at that time or at some other meeting called for the purpose, adopt rules and regulations for the government of said schools.

Treasurer.

Sec. 12. That the treasurer provided for in section eleven of this act shall receive and disburse all funds for the graded schools of Ramseur Graded School District, but before entering upon the duties of his office he shall execute a justified bond, with security, in an amount to be fixed by the board of trustees, not less than the amount of all school moneys to the credit of the school district for the previous school year, conditioned for the faithful performance of his duties as treasurer of the district school fund, and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended, said treasurer's bond to be approved by the board of trustees. The treasurer shall receive money only from the Sheriff or other collecting officer, and he shall pay out no money except upon an order of the board of trustees, signed by the chairman and countersigned by the secretary. The treasurer of the County Board of Education of Randolph County shall pay over to the treasurer of the Ramseur Graded School District all moneys coming into his hands for the said Ramseur Graded School District. The treasurer shall receive such compensation as the board of trustees shall allow, not to exceed two per centum of disbursements.

Bond of treasurer.

Pay of treasurer.

Special tax.

Sec. 13. The County Commissioners of Randolph County shall, on the first Monday in June of each year, levy thirty cents on each one hundred dollars valuation of property and ninety cents on each poll in the Ramseur Graded School District for the support of the graded schools in said district, and the Sheriff of said county shall collect said tax and pay it over to the treasurer of said board of trustees, said taxes to be levied and collected in the same manner as other taxes are collected by the Sheriff of Randolph County. The Sheriff shall pay over to the treasurer of the said board of trustees all moneys in his hands as provided for by this section on the first Monday in each month, and for failure to

do so promptly he shall forfeit five per centum of the amount in his hands at such times.

Reports.

Sec. 14. All officers provided for in this act shall make reports to the State Superintendent of Public Instruction, the County Board of Education and County Superintendent of Schools of Randolph County, as are required of school officers in like offices under the general school law of the State, and each officer before entering upon his duties shall take the usual oath of office required of like officers under the general school law of the State.

Attendance on school may be made compulsory.

Sec. 15. That, upon petition of a majority of the qualified voters residing in said Ramseur Graded School District, the board of trustees provided for in section three of this act shall have the authority and be required to compel all children between the ages of eight and twelve years, and of sufficient mental and physical strength, to attend continuously the sessions of said graded schools: *Provided*, that attendance on any good private or public school may excuse such children as attend them, if the board of trustees have good and sufficient reason to believe that such attendance is in good faith and not for the purpose of avoiding the requirements of this section.

Proviso: attendance on other schools.

Failure to keep children at school a misdemeanor.

Sec. 16. That the parent or guardian of any child between eight and twelve years of age, and which child shall not be excused from the requirements of this act, who shall fail to keep their said child or children in the said Ramseur graded schools or elsewhere as provided by this act, shall be guilty of a misdemeanor, and subject to a fine of one dollar for the first offense and two dollars for each offense thereafter, or imprisonment not more than ten days. One day's absence without a valid excuse shall constitute an offense under this act. Teachers shall have the authority to excuse from attendance children who are known to be under the care of a physician on account of sickness, and the board of trustees shall have the authority to excuse any child whose reason for non-attendance is valid, but in no case shall a child be excused from attendance without a valid excuse. All teachers and other officers having the authority to excuse children from attendance shall submit a report of such and the reason for each excuse to the board of trustees at the end of each week during the sessions of the graded schools.

Punishment.

Children excused.

Reports of excuses.

Jurisdiction of justices of the peace.

Truant officer.

Fees.

Sec. 17. That any justice of the peace residing in said Ramseur Graded School District shall have jurisdiction over all cases arising from non-attendance of children as required by this act, and the said board of trustees may appoint a truant officer, who, when commissioned by the board of trustees, shall have the authority to arrest any one for violation of the provisions of this act. Said truant officer shall be entitled to the same fees as a constable, and persons convicted under this act shall be taxed with the cost of such actions.

Failure to attend to be reported.

Prosecutor.

Sec. 18. That it shall be the duty of the teachers of said graded schools to report at the end of each week the names of the children who have failed to attend as required by this act, and it shall then be the duty of the chairman of the board of trustees, or some other person appointed by said board for that purpose, to prosecute all who have failed to send their children in accordance with the provisions of this act, unless such children shall have been excused.

Power of trustees to excuse.

Purchase of books.

Sec. 19. That the board of trustees shall have the authority to excuse any child or children from the requirements of this act on account of poverty, infirmity or other good cause to them appearing, and when so excused the parent or guardian of such child or children shall not be subject to indictment under this act. The board of trustees may appropriate a sufficient amount to purchase books for children whose parents are too poor to provide them, and such books shall remain the property of the Ramseur graded schools.

Children not employed to attend school.

Sec. 20. That any child in said district who is more than twelve and under twenty-one years of age, and of sufficient mental and physical strength, not regularly employed in some useful occupation shall be required to attend the sessions of said graded schools, as required by section fifteen of this act, and upon failure so to do, or to work regularly at some useful occupation, shall be subject to indictment under this act, and for each and every offense shall pay a fine of five dollars, unless such child shall have completed the full course of study in said graded schools satisfactory to the board of trustees, or been excused by the board of trustees for valid reason.

Sec. 21. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed so far as they apply to Ramseur Graded School District.

Sec. 22. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 33.

AN ACT TO INCORPORATE THE TOWN OF MORTIMER.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

Section 1. That the town of Mortimer, in Caldwell County, is hereby incorporated under the name of the "Town of Mortimer."

General municipal law.

Sec. 2. That the said town of Mortimer shall, in addition to the powers hereby specifically conferred, have all the powers and privileges of other corporations of a like character, which are or may hereafter be conferred by the Public Laws of North Carolina.

Mayor and commissioners.

Sec. 3. That the municipal powers and privileges of the said corporation shall be vested in the mayor and board of commissioners of the said town, and their successors in office perpetually.

Town elections.

Sec. 4. That the mayor of the said town of Mortimer shall be elected biennially, on the first Tuesday after the first Monday in May, one thousand nine hundred and seven; and at the same time there shall be elected a board of three commissioners, all of whom shall be *bona fide* residents of said town, including the mayor. They shall be elected by the legally qualified voters of the said town; but the mayor and commissioners need not themselves be qualified voters.

Duties and jurisdiction of mayor.

Sec. 5. The mayor shall be the executive officer of the town, and shall preside at the meetings of the board of commissioners, but shall have no vote except in case of a tie, when he shall cast the deciding vote. As a peace officer, he shall have all the criminal jurisdiction of a justice of the peace; and his warrant shall run anywhere in Caldwell County for offenses committed against the criminal law of the State, or for violation of the ordinances of the said town.

Election inspectors.

Sec. 6. Every election for mayor and commissioners shall be held under the inspection of such persons, not exceeding three, as the board of town commissioners may appoint, who shall advertise the election at three public places in the said town for ten days immediately preceding such election. Said inspectors shall make out two statements of the election so held and return one to the Register of Deeds of Caldwell County, and return the other to the secretary of the town board of commissioners; and the return of every such election shall be recorded by the said register and secretary.

Notice of election.

Returns.

Qualification of inspectors.

Sec. 7. The inspectors of election shall be sworn by some justice of the peace, or by the mayor of the said town, or any other officer authorized to administer oaths generally, and they shall conduct the election as for members of the General Assembly, and at the close of the polls they shall declare elected such persons as may have the highest number of votes, and they shall, within five days, notify the persons so elected; and the persons so notified shall, within five days thereafter, qualify by taking the oath of office.

Ties.

Sec. 8. If among the persons voted for, there should be any two or more having an equal number of votes, and either would be duly elected, but for the equal vote, the inspectors shall determine the election between them.

Terms of mayor and commissioners.

Sec. 9. The mayor and commissioners shall serve for two years, or until their successors are duly qualified; and if no election be held as provided for, the mayor and old board of commissioners shall hold over.

Vacancies.

Sec. 10. In case of a vacancy in the office of mayor or commissioner, the commissioners shall fill the same, and in the absence

or sickness of the mayor, the commissioners may appoint a mayor *pro tempore*.

Mayor to qualify.

Sec. 11. The mayor shall, before some justice of the peace or other officer authorized to administer oaths generally, before entering upon the duties of his office, take an oath to obey the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina, and to faithfully administer the duties of his office. The commissioners shall likewise take a similar oath, before some officer authorized to administer oaths generally, or before the mayor after he shall have been sworn in.

Commissioners to qualify.

Mayor to enforce ordinances.

Sec. 12. The mayor shall have the power to enforce the ordinances of the town as passed by the commissioners, and shall have power to appoint special policemen to preserve the peace. The mayor is hereby constituted an inferior court, to be called "Municipal Court." The rules of law regulating proceedings before a magistrate's court shall be applicable to proceedings before the mayor, and he shall be entitled to the same fees as a justice of the peace. At such court the mayor shall have authority to hear and determine all cases arising upon the ordinances of the town, and to enforce penalties for any violation thereof by issuing execution; but any person dissatisfied with the judgment of the mayor may appeal to the Superior Court.

Municipal court.

Convicts to be worked on streets.

Sec. 13. In all cases where judgments may be entered up against any person for fines or penalties according to the ordinances of the town, and the person against whom the same is adjudged, refuses, or is unable to pay such fine or judgment, it may and shall be lawful for the mayor, before whom such judgment is entered, to order and require such person so convicted to work on the streets or other public works, until at a fair rate of wages such person shall have worked out the amount of such judgment and the cost of prosecution.

Tax lists.

Sec. 14. The mayor, or other suitable person, shall by order of the board of commissioners take the list of taxes in the town in such manner and at such times as the commissioners may prescribe. If any person shall fail to list his taxes within the time prescribed by the commissioners, he shall be liable to a double tax.

Registration.

Sec. 15. The mayor shall revise the registration books of the town annually, and shall open the books twenty days before each annual election, and register all qualified voters who may apply, and erase the names of such as are no longer qualified voters in the said town.

Mayor may discharge marshal or policemen.

Sec. 16. The mayor may at any time discharge the town marshal or other police officers for omission or neglect of duty, and appoint others in their places, until the board of commissioners shall elect to fill the vacancy so created.

Sec. 17. The commissioners shall have power to make such ordinances for the better government of the town as they may deem necessary, provided the same be not inconsistent with the laws of the land. Among the powers hereby conferred on them, they may, not oftener than annually, levy a tax on real and personal property within the corporation, not to exceed more than fifty cents on the hundred dollars' worth; on all polls taxed by the General Assembly for public purposes; on all such shows, exhibitions and concerts given for reward as are taxed by the General Assembly, and on all persons, property, privileges and subjects within the corporate limits; and on itinerant or resident persons plying any trade, profession or calling which is liable for taxation for State or county purposes. They may appoint a town marshal, and such other officers or agents as may be necessary to enforce their ordinances, may determine the amount of their compensation, and also the compensation of the mayor and other officers, and may impose oaths of office upon them, and require bonds for the faithful performance of their duties.

Town ordinances.

Tax levy.

Rate.

Special taxes.

Marshal and other officers.

Oaths and bonds.

Sec. 18. The board of commissioners may establish and regulate their markets, and prescribe within what place within the corporation may be sold marketable things, whether by weight or measure may be sold grain, meal or flour, if the flour be not packed in barrels; fodder, hay or oats in straw; may erect scales for the purpose of weighing the same, appoint a weigher, and fix his fees, and direct by whom they shall be paid. They may pass ordinances for the abatement of nuisances, whether public or private, and for preserving the health of the citizens. They shall also have power to buy land for a cemetery, and make such rules and regulations for the care of and control of such cemetery as they may deem best. They shall have power to cause to be kept in repair the streets and sidewalks of the town, and to this end may levy a tax, or cause all persons of road age to work on the streets and sidewalks for a period not to exceed six days in any one year; and persons residing in the corporate limits of the town shall not be liable for road duty on the public roads of the county.

Markets.

Abatement of nuisances.

Cemetery.

Streets and sidewalks.

Road duty.

Sec. 19. The commissioners may enforce their ordinances by imposing fines on such as violate them, and compel the performance of duties they impose upon others, by proper penalties.

Enforcement of ordinances.

Sec. 20. The commissioners of the town shall have the power to appoint and keep in the pay of the town as many regular policemen as they may deem necessary. Such policemen shall be under the control of the marshal, and subject to his orders, and shall have the same power to arrest as are granted to the town marshal.

Policemen.

Sec. 21. The town marshal shall, before some justice of the peace, or the mayor, take an oath to obey the laws of the State of North Carolina and the United States, and to faithfully perform the duties of his office. As a peace officer he shall have all the

Oath of marshal.

Powers and duties.

powers of a constable in the county. He may make arrests without warrant for violation of the laws of the State or ordinances of the town committed in his presence; shall execute all process issued by the mayor, and shall enforce the ordinances, by-laws and regulations prescribed by the commissioners. He shall have all the powers to collect the taxes of the town that are given by law to sheriffs and tax collectors to collect county taxes. He may be required to give bond with sufficient sureties, payable to the State, upon which suit may be brought to the use of the town by the commissioners. He may serve all civil or criminal process anywhere in Caldwell County, directed to him by any justice of the peace of Caldwell County, or the mayor of the town, and shall be entitled to the same fees therefor as a constable.

Bond of marshal.

Fees.

Further compensation for marshal.

Sec. 22. The commissioners may, in addition to the fees of the marshal's office, allow him such monthly compensation for his services as they may deem reasonable.

Tax collector to settle monthly.

Sec. 23. The marshal, or other officer authorized to collect taxes, fines or penalties, shall make a settlement at least once a month of all moneys coming into his hands, with the town treasurer or other officer authorized to receive the same; and if he shall fail to make such settlement, he shall be guilty of a misdemeanor.

Town property to be turned over.

Misdemeanor; punishment.

Sec. 24. All municipal officers, mayor, commissioners, or tax collector of the town, who shall, on demand, fail to turn over to their successors, upon demand, the property, books, moneys, seals, or other effects of the town, shall be guilty of a misdemeanor, and imprisoned not more than six months, or fined not exceeding two hundred dollars, at the discretion of the Court.

Tax lists.

Sec. 25. The town tax lists shall at all times be under the control of the board of commissioners, and shall be subject to corrections by them, and shall be open to public inspection.

Commissioners may open streets.

Sec. 26. The board of commissioners may open such streets as they may deem necessary, and discontinue such as may not be required for the public convenience.

Ordinances to be printed and posted.

Sec. 27. The commissioners shall cause their ordinances to be printed and posted in four or more public places in the said town, but all ordinances shall be in force from the time of their adoption by the board of commissioners, unless otherwise expressed therein.

Corporate limits.

Sec. 28. The corporate limits of the town shall be a circle two miles in diameter, with the present post-office as a center.

Violation of ordinances a misdemeanor.

Sec. 29. The violation of any ordinance of the said town shall be a misdemeanor, and punishable by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days.

Prohibition.

Sec. 30. No spirituous, vinous or malt liquors shall be sold in the corporate limits of said town, or within one mile of the boundaries thereof, and any person violating this section shall be triable in the Superior Court, and punished within the discretion

of the Court, and for the purposes of this section, any person, firm, or corporation delivering such liquors within the corporate limits of such town, or within one mile of its outside boundaries, shall be deemed and taken as the agent of the seller, and punished accordingly.

First officers named.

Sec. 31. Until the election of town officers on the first Tuesday after the first Monday in May in the year one thousand nine hundred and seven, the following mayor and board of commissioners are hereby appointed: mayor, W. A. Mortimer; commissioners, S. T. Jackson, C. F. Patton and Lawrence H. Coffey.

Sec. 32. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1907.

CHAPTER 34.

AN ACT TO ENABLE THE YOUNG MEN'S CHRISTIAN ASSOCIATION, OF WILMINGTON, NORTH CAROLINA, TO ISSUE BONDS AND FOR OTHER PURPOSES.

Preamble.

Whereas, The Young Men's Christian Association, of Wilmington, North Carolina, a corporation organized for the purpose of promoting the spiritual, intellectual, social and physical welfare of young men, is the owner of a large building and lot of land in the city of Wilmington, and is desirous of pledging its credit for the purpose of paying off its present debt and for the more effectual accomplishment of its objects, and has not sufficient funds therefor: therefore,

The General Assembly of North Carolina do enact:

Bond or note issue authorized.

Section 1. That for the purposes aforesaid, it shall be lawful for the said "The Young Men's Christian Association," of Wilmington, North Carolina, to issue bonds or notes in such denominations and payable at such times as it may see fit, said bonds to bear interest at a rate not exceeding six per cent., payable semi-annually.

Amount.

Sec. 2. The bonds or notes so issued shall not exceed the sum of twenty-five thousand dollars, and shall not run longer than twenty years; but after the said bonds, or any of them, shall become due and payable, said corporation is authorized to issue new bonds or notes for the same amount, or any part thereof, under the terms and provisions of this act.

Bonds may be renewed.

How bonds or notes authenticated.

Sec. 3. The said bonds or notes shall be signed by the president of the corporation and attested by the secretary, and the seal of the said corporation shall be affixed thereto.

Deed of trust.

Sec. 4. The said corporation is authorized and empowered to execute to such person or corporation as it may see fit, a deed of trust upon its property, real or personal, or any part thereof, and upon the rents arising therefrom, to such extent as it may deem wise to sufficiently secure the payment of the said bonds and interest on the same.

Exemption from taxation.

Sec. 5. That all the property, real or personal, of the said corporation and the rents and profits arising therefrom, so long as the same is used exclusively for the purpose of paying the interest upon the indebtedness and for supporting The Young Men's Christian Association, and not for investment, shall be exempt from the payment of all taxes, whether city, county or State.

Sec. 6. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 7. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1907.

CHAPTER 35.

AN ACT TO AMEND THE CHARTER OF THE NANTAHALA RAILROAD, FLUME AND TRANSPORTATION COMPANY, INCORPORATED BY CHAPTER 341, PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and forty-one, Private Laws of one thousand nine hundred and five, be and the same is

Corporators.

hereby amended so as to read as follows: That C. W. Kibler, W. A. Boyd and C. T. Roane, together with such other persons as may be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate under the

Corporate name.

name and title of "Nantahala Transportation Company," by which

Corporate powers.

name they may sue and be sued, plead and be impleaded, contract and be contracted with, may adopt and have a common seal which they may alter at pleasure, may adopt such by-laws, rules and regulations for the management and government of its business and officers as may be deemed proper; shall have perpetual succession and enjoy all the rights, privileges, powers and franchises usually pertaining to corporations, said corporation to exist for ninety-nine years.

Capital stock.

Sec. 2. That the capital stock of said corporation shall be twenty-five thousand dollars ($25,000), with privilege of increasing said stock, from time to time, by a vote of a majority of the stock, to

an amount not exceeding one hundred thousand dollars ($100,000), said stock to be divided into shares of one hundred dollars each.

Meeting of organization.

Sec. 3. That when the sum of ten thousand dollars ($10,000) shall have been subscribed and paid in, the incorporators herein named may call a meeting of the stockholders, who may elect a board of directors consisting of not less than three nor more than seven stockholders, and said board of directors may elect a president, vice-president, secretary and treasurer, and such other officers and employees as they may deem expedient, and fix their compensation: *Provided*, that the present board of directors and officers shall continue in office until their terms expire and until their successors are elected.

Directors.

Officers and employees.

Location.

Sec. 4. That the principal office and place of business of said corporation shall be at Nantahala, North Carolina, but the directors may, at any time, change the place of its principal office and principal place of business, and may establish branch offices at other points in the State when they may deem it expedient, and may hold their meetings and transact the business of the corporation at any of such offices.

Property transferred.

Sec. 5. All property, real and personal, franchises, easements and privileges heretofore belonging to said corporation, in the name of "Nantahala Railroad, Flume and Transportation Company," shall be and remain the property of said corporation, under this amended charter, in the name of "Nantahala Transportation Company," for the purposes herein named, and all liabilities, in law or equity, which may exist against said corporation under the charter heretofore existing shall be and remain against said corporation under said amended charter.

Liabilities.

Flumes and canals.

Sec. 6. That said corporation shall have the power to lay out, construct, equip, maintain and operate flumes or canals to contain running water for the transportation, by means of floating, lumber, cord-wood, acid-wood, tan-bark, fuel, shingles, shingle-blocks, staves and all other woods and materials of which such flume is capable of carrying in a practical manner, from a point on the Murphy branch of the Southern Railway, near Nantahala station, up and along the Nantahala River in Swain and Macon counties to its source, also such flumes or canals from a point where Whiteoak Creek empties into Nantahala River, up, along and near Whiteoak Creek to its source, and main or branch flumes up and along Goldpit and Holloway creeks and other tributaries of Whiteoak Creek; also, to construct, maintain and operate flumes or canals up and along the various tributaries to the Nantahala River intersecting with said main flume or flumes; and, also, branch flumes up the tributaries to the various streams flowing into the Nantahala River. That said corporation shall have the right to take and hold any such grants of land, rights-of-way and water privileges as may be made to it, for the purpose of aiding in the con-

Terminals and routes.

struction and operation of said flumes, and to acquire, purchase, hold and use all such property, both real and personal, and all such rights and easements as may be necessary or convenient for the construction, maintenance or operation of said flumes, or which may be necessary for yards or for obtaining and conducting water.

Condemnation of land.

Sec. 7. That, for the purpose of locating, surveying, preparing for, constructing and operating said flumes or canals, said corporation is authorized to enter upon any lands through which it may desire to conduct such flumes or canals and appropriate thereof not exceeding fifteen feet wide for said purposes, and may appropriate such lands as may be necessary for yards, and may enter said lands or contiguous lands along the route as may be necessary to obtain material, obtain and conduct water, and may have rights of ingress and egress to and from said flume lines at any point, over a practical route, from nearest public highway as may be necessary in the construction of said flumes, and shall pay the proprietors of the land so entered on or appropriated such sums as may be agreed on between them. If said corporation and land-owner shall be unable to agree as to the value of the land appropriated, or the damage sustained by the land-owner by such entry hereinbefore authorized, either party shall have the right to institute a special proceeding against the other for the condemnation of said land and the appraisement of the value thereof, or for the appraisement of the damages which may be sustained under and by virtue of authority in this act, in the same manner and by the same procedure as is provided for the condemnation of land and appraisement of values and damages for the construction of railroads set out in sections two thousand five hundred and eighty (2580) to two thousand five hundred and ninety-six (2596) inclusive, of the Revisal of one thousand nine hundred and five, which statutes shall constitute the procedure for such proceeding as fully as if the same were incorporated herein: *Provided*, that neither party to such proceeding shall be required to make, serve, file, or set out in any pleading or petition any map or profile of any such line, but a description of the land, with the name or description of the water-course followed by any such line, shall be sufficient as a description of the land sought to be condemned.

Process for condemnation.

Proviso: maps and profiles.

Rules and regulations.

Sec. 8. That said corporation shall have power to adopt reasonable rules and regulations relative to receiving and floating lumber, bark and such other woods and things of which the flumes are capable of floating, to enforce such rules when not prohibited by law, against public policy, nor against any rule or regulation of the Corporation Commission lawfully made; shall provide yards reasonably convenient to the public on each of said flumes when constructed; shall receive at such yards and float to its terminus and properly stack or yard for shipment convenient to a side-track

of the Southern Railway, or deliver to the Southern Railway for shipment, as may be agreed upon, all lumber, tan-bark, cord-wood, acid-wood, fuel, shingles, staves, shingle-blocks and all other products of the forest of which said flumes are capable of floating in a practical manner, which may be delivered upon any such yard for such purposes by any and all persons, companies or corporations who conform to the rules and regulations adopted by said corporation, as herein authorized; and shall have the right to charge and collect reasonable freight rates or tolls for such transportation, and shall, for such purpose, arrange a schedule of rates for the floating of said various woods and timbers from each yard as the same may be established, and post a copy of such schedule on or near each of said yards, and all patrons of such flumes shall be charged according to such schedule. Freight and tolls. Rates to be posted.

Sec. 9. That the State Corporation Commission shall have the same supervision and control over rates, tolls, the handling of freight and other privileges authorized by this act as said commission has by law over railroads and other common carriers, in so far as the same applies to the class and nature of business proposed to be carried on by said corporation. Corporation commission.

Sec. 10. That said corporation shall have the right to erect, construct, maintain and operate telephone and telegraph lines and stations along the routes for the various flumes authorized by this act, and to collect reasonable tolls and compensation for the use of same and for the transmission of messages, as are allowed by law. Telephone and telegraph lines.

Sec. 11. That the said corporation is authorized and empowered to carry on the business of buying and selling timber, timber lands, dealing in timber, lumber and all other products of the forest, and of manufacturing timber and lumber of all sizes, kinds and forms. May deal in lumber.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1907.

CHAPTER 36.

AN ACT TO AMEND CHARTER OF THE CITY OF BURLINGTON, CHAPTER 204, PRIVATE LAWS OF 1903.

The General Assembly of North Carolina do enact:

Section 1. That section fifteen of chapter two hundred and four, Private Laws of one thousand nine hundred and three, be amended as follows, to-wit: Strike out the words following the word "city," in line sixteen of said section, down to and including the word Water and sewerage bonds.

"thereof," at the end of line eighteen of said section, and insert in lieu thereof the following: "for water, not to exceeding five per cent. of the assessed value of the real and personal property of said city; and for sewerage, not to exceed five per cent. of the assessed value of the real and personal property of said city."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1907.

CHAPTER 37.

AN ACT TO AMEND CHAPTER 57, PRIVATE LAWS 1903, RELATING TO CHARTER OF RED SPRINGS.

The General Assembly of North Carolina do enact:

Amount of bond issue authorized.

Section 1. That section two of chapter fifty-seven of the Private Laws of one thousand nine hundred and three, be and the same is hereby amended by striking out the words "twenty-five," line five, and substituting therefor the word "fifty."

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1907.

CHAPTER 38.

AN ACT TO IMPROVE THE EFFICIENCY OF THE JAMES WALKER MEMORIAL HOSPITAL, OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Appropriations from county and city.

Section 1. That the Board of Commissioners of New Hanover County, and the Mayor and Board of Aldermen of the City of Wilmington, by and with the consent of the board of audit and finance, be and they are hereby empowered to appropriate, from time to time, from the public funds of the said county and city, such sums as, in their judgment, may be necessary to run the James Walker Memorial Hospital in an efficient manner.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1907.

CHAPTER 39.

AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF NEWTON.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Newton shall be and continue as they have been, a body politic and corporate, and the corporation shall bear the name and style of the "Town of Newton," and under such style and name is hereby invested with all the property and rights of property which now belong to the corporation, under the present name or any other name heretofore used, and by this name may sue and be sued, contract and be contracted with, acquire and hold all such estate, real and personal, as may be devised, bequeathed, sold to, or in any manner conveyed to it, or purchased, or otherwise acquired by the proper authorities of the corporation, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, improve, sell or dispose of the same, and may reinvest the proceeds, in their discretion, and shall have all the powers, rights and privileges necessary or belonging to or usually appertaining to municipal corporations. Incorporation continued. Corporate name. Corporate powers.

Sec. 2. The corporate limits of the town of Newton shall be as follows: Beginning at a stake one thousand yards due east of a point one mile due north of the Catawba County Court-house Square and run due south two miles; thence due west two thousand yards; thence due north two miles; thence due east two thousand yards to the beginning; and said limits shall, upon order of the Board of Aldermen of the Town of Newton, at any time, be extended so as to include any or all of the following territory: Beginning at the point above named and run north one hundred and fifty poles; thence west one hundred and twenty poles; thence south about forty-five degrees west ..... poles to a point fifteen hundred yards due west of the beginning; thence due east fifteen hundred yards to the beginning: *Provided*, no order shall be made to extend the said limits except upon petition of one-third of the persons owning real estate within the territory to be included. Corporate limits.

Sec. 3. That on the first Monday in May, one thousand nine hundred and seven, and annually thereafter, an election shall be held in the town of Newton, when there shall be elected a mayor, for a term of one year, and three aldermen, for the term of two years; and at the said election held under this charter on the first Monday in May, one thousand nine hundred and seven, there shall be elected three aldermen, for the term of one year, who shall be succeeded at the end of their term by the three aldermen Town elections.

to be then elected. All of said officers shall serve during their respective terms and until their successors are elected and qualified, and the said mayor and the board of aldermen shall be the governing officers of the town of Newton, and the administration of the government of the town of Newton shall vest in the mayor and board of aldermen, and such other officers as are hereinafter provided for.

Voters.

Sec. 4. That in all municipal elections in the town of Newton only such persons shall be entitled to register and vote as shall at that time be qualified to register and vote for members of the General Assembly, and who have resided in the town for four months next preceding the day of election; and the provisions made or hereafter made by the General Assembly, which may be in force at the time of any town election, for testing the qualification and right of any person to register and vote, shall apply, as far as possible, to any election held under this charter, and the registrar and judges of election are hereby invested with full and ample judicial power to pass upon and decide said qualifications.

Registrars and judges of election.

Sec. 5. That the board of aldermen shall, on or before the first Tuesday in April of each year, appoint a registrar and two judges of election, all of whom shall be qualified voters of the town, and shall cause notice to be served on such appointees by the chief of police. The registrars so appointed shall give notice, at the voting place, and two other public places, specifying when and where the registration books will be open for the registration of voters for said election.

Notice of registration.

Registrars and judges to qualify.

Sec. 6. Registrars and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by section seven of article six of the Constitution of North Carolina, before the mayor or other officer authorized to administer oaths.

Registration books.

Revision of registration books.

Sec. 7. The registrar shall be furnished with registration books by the board of aldermen, and it shall be his duty to revise the existing registration book for said town in such manner that said book shall show an accurate list of electors previously registered and still residing in the town and entitled to vote, without requiring such electors to register anew; and he shall, between the hours of seven o'clock A. M. and sunset (Sundays excepted), from and including the third Monday before the day of election until twelve o'clock M. on Saturday preceding the election, keep open the book for the registration of electors entitled to register and vote, whose names do not appear in the revised list, and shall register the names of all such persons who apply for registration:

Days for registration.

Proviso: voters may be sworn.

Provided, any person offering to register may be required to take an oath that he has resided in the State of North Carolina two years and in the town of Newton for four months previous to the day of election, that he is twenty-one years of age, and that he is a qualified elector of said town as defined in section four of this

act; and if any person wilfully swear falsely in taking such oath he shall be guilty of a misdemeanor: *Provided further*, the board of aldermen may order an entirely new registration of voters whenever they may deem it proper to do so, but shall give ten days' notice of such new registration before the time for opening the books by the registrar, unless otherwise provided in this act.

False swearing a misdemeanor. Proviso: new registration.

Sec. 8. The registrar shall attend at some specified public place on each Saturday during the period of registration, for the purpose of registering voters, and the books shall be kept open during the Saturday preceding the election from seven A. M. to four P. M. for the inspection of the electors of the town, and any elector shall be allowed to object to the name of any person appearing on the book. In case of any such objection, the registrar shall write the word 'Challenged" opposite the name of the persons objected to, and shall appoint a time and place on or before the election day when he, together with the judges of election, shall hear and decide said objection, a written notice being given the person objected to or by leaving a written notice at his usual place of residence: *Provided*, any elector shall have the right to challenge or object to the name of any person registering or offering to register or vote at any other time. If any person challenged or objected to shall be found not duly qualified as provided for in this act, his name shall be erased from the registration book and he shall not be allowed to vote in such election. Persons becoming qualified after the close of the registration books and before or on election day shall be allowed to register on the day of election.

Specific place for registration.

Challenge day.

Hearing of challenges.

Names to be erased from registration book.

Registration on election day.

Sec. 9. That the registrar and judges shall attend at the polling place from seven o'clock A. M. until sunset on the day of election, keep the polls open, receive and deposit the ballots in boxes provided for that purpose, administer oaths, decide challenges and superintend and conduct the election for municipal officers or other municipal elections in like manner as elections for members of the General Assembly are conducted. They shall keep poll books and write in them the names of all persons who vote at said election, and at the close thereof shall certify said poll lists and deposit them with the clerk of the board of aldermen of the town; and said poll lists shall, in any trial for illegal or fraudulent voting, be used as evidence. At the close of the election the votes shall be counted by the registrar and judges, and such person as shall receive the largest number of votes for mayor shall be declared elected mayor, and the number of persons to be elected aldermen receiving the largest number of votes for aldermen shall be declared elected aldermen, and the mayor and aldermen shall be notified of their election by the said registrar and judges of election. They shall in like manner hold any other municipal election ordered by the board of aldermen, and in all elections

Hours of election.

Duties of registrar and judges.

Poll books.

Count of votes and declaration of result.

Officers-elect notified.

Other municipal elections.

Returns. they shall declare the result and make full and complete returns of said elections in duplicate, one to the clerk of said board and one to the mayor.

Ties decided. Sec. 10. In case two or more persons receive an equal number of votes for mayor or aldermen, so that there is no election, then the registrar and judges shall determine the matter by their votes.

Vacancies. Sec. 11. If any judge or the registrar shall fail to be present on the day of election his place shall be filled by the mayor at once, or by the remaining election officers, and, if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him after being duly sworn, or if a vacancy should occur in said office, for any reason, the mayor shall appoint to fill the vacancy.

Ballots. Sec. 12. Ballots shall be on white paper and without device. The mayor and aldermen shall be voted for on one ballot.

Rules for municipal elections. Sec. 13. That all municipal elections for whatever purpose, not otherwise provided herein, shall be conducted in like manner as elections for members of the General Assembly, and the election officers shall have like authority. The registrar and judges shall receive for their services such compensation as the board of aldermen may provide.

Pay of registrars and judges.

Officers-elect to qualify. Sec. 14. That the mayor-elect and the aldermen-elect shall, within five days after the election, unless unavoidably prevented, then as soon as possible, before the outgoing mayor or Clerk of the Superior Court, or some justice of the peace of the county, take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed upon them by law, and shall, within that time, convene for the transaction of business and fix the times for the regular meetings during the year, which shall be as often as once a month.

Penalty on aldermen for failure of duty. Sec. 15. That if the aldermen shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in default shall forfeit and pay, for the equal benefit of the city and him who shall sue for the same, one hundred dollars.

Penalty for failure to qualify. Sec. 16. That any person elected mayor or alderman who shall refuse to be qualified as such shall forfeit and pay to the use of the town the sum of twenty-five dollars.

Vacancy in office of mayor or aldermen. Sec. 17. If any vacancy shall occur in the office of mayor, by failure to qualify, death, resignation or other cause, the board of aldermen shall elect a mayor for the unexpired term, and the said board shall likewise fill any vacancy that may occur in the board of aldermen, and all persons so elected shall be clothed with all the authority and powers in like manner and extent as if they had been regularly elected by the voters of the town.

Mayor constituted special court. Sec. 18. The Mayor of the Town of Newton shall be, and is hereby constituted, a special court, with all the jurisdiction and

powers now and hereafter given to justices of the peace, in criminal offenses occurring within the limits of said town, or within one mile of the corporate limits of said town, or upon any water or sewer lines of the town, or upon any easement or property belonging to the said town, or within the limits of the Newton Graded School District; and shall have like jurisdiction and powers in all matters pertaining to the enforcing of the collection of taxes and assessments levied and made by the town aldermen, including proceedings by garnishment and distress of property; and may cause to be arrested persons found within said limits, or anywhere in the county of Catawba, charged or convicted of crime in other counties or States, and may bind such persons to appear at the proper tribunal to answer for their offenses, and in proper cases may imprison them; he shall have original and exclusive jurisdiction to try all misdemeanors, consisting of violations of ordinances of said town, and upon adjudged violations he shall have authority to enforce the collection of penalties by issuing executions; and he shall preserve the peace and execute the laws and rules made by the aldermen; and he may issue warrants or other process without complaint, when he is satisfied that there has been a violation of the law; and his endorsement of the names of witnesses upon a summons or warrant shall be authority for the officer to subpœna the witnesses named thereon; and the mayor shall have the authority to issue a capias for any witness or other person summoned to appear before said court and failing to appear, and shall have power to fine such witness or other person not exceeding fifty dollars ($50) or imprison such witness or other person not exceeding thirty days for each offense, when it shall appear that such failure was wilful: *Provided*, in all cases there shall be a right of appeal, unless otherwise provided by law: *Provided further*, the mayor shall have full power and authority to punish for contempt as is provided for justices of the peace in chapter seventeen (17), Revisal of one thousand nine hundred and five, and the right of appeal shall be governed by the provisions of said chapter.

Jurisdiction.

Proviso: appeals.

Proviso: punishment for contempt.

Sec. 19. In the mayor's court, whenever any person shall be adjudged to be imprisoned by the said court, either as a punishment or for failure to pay fine and costs, it shall be competent for said court to sentence such person to imprisonment in the county jail (or in the town prison) for a term not exceeding thirty days, and to adjudge also that such person work during such term on the public streets or other public works of the town, or that such person be hired out to some responsible person, or be worked on the public roads of Catawba County (whenever the county shall establish a road force or chain-gang), upon such terms and regulations as the town aldermen may prescribe.

Convicts may be sentenced to labor.

Precepts.

Sec. 20. That the mayor shall issue his precepts to the chief of police or other lawful officer of said town, or to the sheriff or other lawful officer of Catawba County. That section one thousand four hundred and fifty-five, Revisal of one thousand nine hundred and five, shall not apply to trials before the mayor.

Mayor to keep minutes of proceedings. Force of judgments.

Sec. 21. That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in Catawba County and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Catawba. The mayor and police officers of the town shall have as full and ample jurisdiction in the territory outside of the town of Newton for one mile in all directions from the corporate limits of the town, and upon any water or sewer lines of the town, and upon any easements or property belonging to the town, and within the limits of the Newton Graded School District, as within the town.

Extent of jurisdiction of mayor and police.

Further duties of mayor.

Salary.

Sec. 22. The mayor shall keep the seal of the corporation and perform such duties as shall be required by, or shall from time to time be prescribed by, the commissioners, and he shall receive a salary to be fixed by the board of commissioners, not less than two hundred dollars ($200) nor more than five hundred dollars ($500).

Mayor to preside at meetings of aldermen. To vote in case of tie.

Sec. 23. That the mayor shall preside at all meetings of the board of aldermen, except as otherwise herein provided, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote, and he shall vote in no other case.

Special meetings of aldermen.

Sec. 24. That special meetings of the board of aldermen may be held on the call of the mayor or a majority of the aldermen, and all aldermen who can be found at their residences or places of business not joining in the call shall be notified of the meeting, but no notice shall be required when the board at a regular meeting adjourns to a subsequent specified time.

Powers of aldermen.

Sec. 25. That the aldermen, when convened, shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government and general welfare of the town, as are not inconsistent with this act or the Constitution or laws of the State; and all ordinances of the town of Newton now in force or hereinafter enacted shall, when so specified, apply with equal force to any or all of the territory outside of the town limits, for one mile in all directions from the town limits, and upon any water or sewer lines of the town, and upon any easements or property belonging to the town, and within the limits of the Newton Graded School District.

Penalty on aldermen for failure to attend meetings.

Sec. 26. The board of aldermen shall prescribe a penalty for the failure of any aldermen to attend a regular meeting of the board, or a special meeting of which he shall have had notice, unless prevented by cause satisfactory to the board; said penalty shall not be less than one dollar, and it shall be the duty of the mayor to enforce collection of the same.

Mayor pro tem.

Sec. 27. That the board of aldermen shall elect or appoint some member of their board or other discreet person, a qualified voter of the town, "mayor *pro tempore*," who, in the absence, sickness or other disqualification of the mayor to act, or in case of vacancy, or upon request of the mayor, shall perform all the duties and shall have and exercise all the powers, authority and jurisdiction of the mayor, and during such time shall receive the fees and emoluments of the office.

Aldermen to elect other officers.

Sec. 27a. That the aldermen, at the first meeting after their election, or as soon thereafter as convenient, shall elect or appoint a clerk, a treasurer, an attorney, a tax collector, a chief of police, a street overseer, and shall have power, from time to time, to appoint such policemen or police force as the good government of the town may require, and may appoint such other officers or employees as they may deem best for the government of the town.

Oaths of officers and employees.

Sec. 28. The following officers, mayor, aldermen, city clerk, treasurer, city attorney, chief of police, policemen, tax collector, street overseer, registrars and judges of election, and all other officers elected by the voters of the town, shall, before acting, each take and subscribe the oath prescribed by article six, section seven of the Constitution of North Carolina, and such additional oath as may be required by this charter or by the board of aldermen, and all other officers or employees elected or appointed by the mayor or board of aldermen shall take and subscribe such oath as may be required by this act or by the mayor and aldermen. Official oaths shall be taken before the mayor or other officer authorized to administer oaths, and be filed with the mayor, and by him filed or recorded in a book kept for that purpose.

Oaths to be taken before mayor and filed.

Officers and employees to serve at pleasure of board.

Proviso: term specified.

All officers or employees appointed or elected by the board of aldermen shall be elected or appointed to serve during the pleasure of the board, unless otherwise herein provided: *Provided*, if so specified in the order appointing or electing, they shall serve until the next election for mayor and aldermen, and then continue until their successors are elected and qualified, subject, however, to be removed at any time by the aldermen for misbehavior or neglect of duty. Before entering upon the discharge of their duties, the tax collector and the treasurer shall each give bond in a sum of not less than two thousand dollars, which may be increased at the discretion of the aldermen, and all other officers appointed by the board may be required to give bond in such sum as the aldermen may determine, and all bonds shall be condi-

Tax collector and treasurer to give bond.

Bonds of other officers.

tioned for the faithful discharge of such duties as may be required of them; all bonds to be approved by the aldermen. All officers shall receive such compensation as the board of aldermen may allow: *Provided*, in fixing the compensation of officers the board may require any officer, in consideration of the compensation allowed, to pay over to the use of the town any fees allowed by law for services performed by him. The tax collector may be paid a commission or salary.

Pay of officers.

Proviso: fees.

Offices may be consolidated.

Sec. 29. The chief of police may be tax collector, also street overseer, and one and the same person may be city clerk and treasurer. Any person may hold one or more of the offices mentioned in the preceding section, or other position, in the discretion of the aldermen.

Duties of city clerk.

Sec. 30. The city clerk shall keep regular and fair minutes of the proceedings of the board, preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and perform such other duties as may be directed by the board of aldermen, or by law.

Duties of treasurer.

Sec. 31. The treasurer shall demand all moneys or securities belonging to the town, which ought to be paid or delivered into the treasury, receive and faithfully keep all moneys paid to him for the use and benefit of the town, and disburse the same according to the orders of the board of aldermen, appearing on the minutes or otherwise, or by other authority conferred by them; he shall keep a fair and correct account of all moneys received and disbursed by him, in a book kept for that purpose, showing from what source money is received and for what purpose paid out, and shall submit said accounts to said board whenever required; he shall deliver to his successor all moneys, securities and other property in his hands, belonging to the town, and during his continuance in office faithfully perform all duties imposed on him as town treasurer by law; he shall annually make out a statement showing the sources of receipts and disbursements and the amounts, and submit the same to the board for publication.

Annual statement.

Duties and powers of tax collector.

Sec. 32. The town tax collector shall be vested with the same power and authority in the collection of taxes that sheriffs have, and subject to the same fines and penalties for failure or neglect of duty; he shall be charged with the sums appearing by the tax lists as due for town taxes; he shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll tax and taxes on personal property which the board of aldermen shall declare to be insolvent or uncollectible, all errors and overcharges; he shall at no time retain in his hands over one hundred dollars for a longer time than five days, under a penalty of ten per cent. per month to the town for all sums so unlawfully retained. The board of aldermen, at the meeting before the last regular meeting

Settlement.

Auditing committee.

of each fiscal year, shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and the town treasurer, and to audit and settle the accounts of the clerk, treasurer, chief of police, other policemen and other officers. The accounts so audited shall be reported to the board of aldermen and, when approved by them, shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, or any other town officer who shall wilfully fail to account for and pay over any money due from him to the town; and such tax collector or other officer shall not be eligible to re-election.

Accounts reported to aldermen.

Removal of tax collector.

Sec. 33. The policemen or members of the police force shall give bond for the faithful discharge of the duties imposed by law, the charter and the town ordinances, and to faithfully account for all moneys that may come into their hands by virtue of their offices. The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force, and at the end of each month he shall have a settlement with each policeman on account of the fines and costs collected and such other funds as may come into their hands for the town. It shall be the duty of the chief of police to attend the mayor's court each day and report violations of law or the ordinances of the town, collect fines and penalties imposed and pay same to mayor or treasurer as he may be directed, execute all orders and judgments of said court, see that the laws and ordinances are enforced, and do such other things as may be required of him by the board. The chief of police and each member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the town, and the outlying territory, rights-of-way, easements and property of which the mayor and police officers are hereinbefore given jurisdiction, by suppressing disturbances and apprehending offenders; they shall execute all processes directed to them by the mayor or others, and in the execution thereof shall have all the powers which sheriffs and constables have.

Policemen to give bond.

Chief of police; powers and duties.

Sec. 34. Arrests may be made by the chief of police or any police officer of the town anywhere in Catawba County. And the chief of police or any policeman shall have power to arrest offenders and suspected offenders without warrant, (1) whenever any felony, misdemeanor or the violation of any town ordinance shall be committed in his presence, or admitted in his presence by the offender; (2) whenever, in his presence, any person attempts or

Extent of jurisdiction.

Arrests without warrant.

expresses an intention to commit a crime, or there is reason to believe such person intends to attempt to commit a crime without sufficient delay to procure a warrant or other process; (3) whenever he has sufficient cause to believe a felony, misdemeanor or violation of a town ordinance has been committed and he has cause to believe that the suspected offender may make his escape before a warrant can be obtained, and (4) whenever he has information as to fugitives from justice from other counties and States, and he has cause to believe the suspected fugitive in the town may escape before a warrant could be obtained, or (5) whenever a warrant has been issued against the person to be arrested and is outsanding unexecuted in the hands of any police officer of the town of Newton, or in the hands of the sheriff, constable or other lawful officer of Catawba County. Whenever any arrest is made by any town officer, it shall be lawful for him to subpœna any by-stander as a witness, and such subpœna shall be as binding as though made upon authority of a written subpœna from any competent authority to issue the same.

Subpœna of by-stander.

Police to take bail.

The chief of police or policeman may take bail in sufficient amount for the appearance before the mayor, on a day named by him, of any person arrested with or without a warrant, on the charge of a misdemeanor or violation of town ordinances, and may justify sureties to such bonds, and shall, as soon as possible, return such bonds to the mayor's court, or they may accept a cash deposit in lieu of bond, and the mayor shall have power to take bond in the same manner as a justice of the peace, and all proceedings in the mayor's court to enforce the bond against defaulting defendants, witnesses and sureties shall be the same as before a justice of the peace: *Provided*, out of the collection of penalties and forfeited deposits, all costs of the prosecution and costs of collection shall first be paid. The mayor may remit any part of forfeited recognizances. That the chief of police or any policeman shall have power to re-arrest, upon the same warrant, any person who has been convicted and turned loose on the statement that he will pay fine and costs, upon failure to pay the same, or any person who has failed to appear as per the terms of any bond taken, or any person who has made an escape after arrest.

Mayor to take bonds. Procedure to enforce bonds.

Re-arrests.

Persons arrested taken before mayor.

Sec. 35. Whenever any arrest has been made by any police officer of the town, the prisoner shall without delay be taken before the mayor, unless bond be given as aforesaid, for trial, except in the following cases: (1) When the arrest is made after five o'clock P. M. and before eight o'clock A. M.; (2) when the arrest is made on Sunday; (3) when the person arrested is in an inebriated or intoxicated condition; (4) when for any reason trial cannot be had and the officer thinks best to imprison the person arrested for safe-keeping, or imprisonment is necessary for safe-keeping, and in any of these cases the police officers are author-

Exceptions.

ized to lodge the prisoner in the county jail or in a town prison, without *mittimus* or other commitment, and the county sheriff or jailer of Catawba County shall receive such prisoners, without *mittimus* or other commitment, into the common jail of said county, and shall safely keep such prisoners until the next morning (Sunday excepted), and until sober, when the offender shall be brought before the mayor of the town and be dealt with according to law, and for such services the jailer shall be entitled to such fees as he is in other cases: *Provided*, the town may provide and use a prison of its own in like manner. If a prisoner shall be adjudged guilty, he may be required to pay the cost of imprisonment.

Fees of jailer.

Proviso: town prison.

Prisoner convicted taxed with costs.

Sec. 36. The board of aldermen may require all police officers to receive and turn over to the town all fees arising from the execution of process issued by the mayor or others, which shall be the same as sheriffs receive for like services. The board shall pass ordinances for the government and direction of the police. The mayor may appoint temporarily additional policemen for such time as shall appear necessary, who shall take the same oath and be subject to the same control as regular police officers.

Fees may be turned over to town.

Additional policemen.

Sec. 37. The mayor may suspend the chief of police or any policeman for misconduct until the board shall convene and hear the proofs, when they may discharge or restore such officer, and the pay of such officer shall cease from such suspension until restoration to service. And the mayor shall suspend the chief of police or any member of the police force if found drunk while on duty. All police officers may be required to wear badges and be so armed and uniformed as to be readily recognized by the public as peace officers, but the mayor or chief of police may authorize any officer to appear on duty in plain clothes.

Mayor may suspend policemen.

Badges and uniforms.

Sec. 38. The mayor or board of aldermen may employ detectives and the board of aldermen may offer rewards for the capture and conviction of criminals who are offenders against the town ordinances or the laws of the State, when the offense is committed within the town or the outlying territory of which the mayor and police officers are given jurisdiction.

Employment of detectives.

Sec. 39. The aldermen may appoint weighers and inspectors of provisions and other products, auctioneers and such other officers as they may deem proper for the good government of the town and for its welfare; to make all rules and regulations governing said officers, prescribe their duties, fees or remuneration, and may require any of them to give bond as provided for other officers.

Weighers, inspectors and auctioneers.

Sec. 40. That, in order to raise a fund to pay the expenses incident to the proper government of the town (including interest on the outstanding indebtedness and also on any indebtedness that may be incurred by authority of this act, unless otherwise provided for), the board of aldermen shall annually levy and collect the following taxes, viz.:

Taxing powers.

Property tax.

(1) On all real estate and personal property within the corporate limits of the town, and upon all other personal property and all other subjects, including money, bonds, stocks, franchises, etc., taxed by the General Assembly *ad valorem*, and permitted under the general law to be taxed by cities and towns, a tax not exceeding one dollar on every hundred dollars valuation thereof as of the first day of June of each and every year.

Poll tax.

(2) On all persons who are residents of said town on the first day of June in each year, and subject to poll tax under the laws of this State, a poll tax not exceeding one dollar and fifty cents on each.

Advertisement for listing taxes.

Sec. 41. The town clerk shall, prior to the first day of June of each year, make advertisement in some newspaper published in the town, or at the court-house door, notifying all persons liable for poll tax in the town, or who own or have control of property liable for taxation in the town, on the first day of June, to list the same with him on or before the last day of June; said lists shall state the color and the age of persons liable for poll tax, and shall show the number of lots or parts of lots, acres of land and all other property now taxable or that may hereafter be made taxable by the laws of the State or the ordinances of the town, and the lists so returned to the clerk shall be sworn to, and the clerk is authorized to administer the following or similar oath: "I, ..., do solemnly swear that the tax list made out and signed by me contains a full and accurate list of all property, real and personal, which I am required by law to list for taxation in the town of Newton, either as agent or owner, to the best of my knowledge, information and belief; so help me God." And every person liable for poll tax, and every person having property liable for tax, shall make such list and take the oath.

Tax lists to be sworn to.

Form of oath.

Clerk to make out tax lists.

Sec. 42. The clerk shall, on or before the first day of August next ensuing, make out, in a book to be kept for that purpose, an alphabetical list of all persons liable for taxation in the town of Newton, giving the age and color of each, designating all persons liable for poll tax, and giving the assessed valuation of all real estate and the listed value of all personal property, said list to be made from the returns made to the clerk; and the said list shall be continued and added to by the clerk, who shall make diligent inquiry from any source whatever and careful examination of the county and other tax lists for the same year, and shall enter on said book and list the names of all persons liable for town tax, who have failed to list with the clerk, giving age, color, poll designation, and the valuation of all property appearing against such persons on the county or other tax list and liable for town tax.

Assessment by clerk.

All real estate in the town not assessed shall be assessed by the clerk at its true value, and all personal property liable for town tax, not listed or valued, shall be listed and valued by him at its true value. All persons liable for tax in the town, and failing to

list with the clerk or with the township or county list-taker, shall, in like manner, be entered on the town list, and the clerk shall ascertain and list and value their property and list their polls: *Provided*, that all assessments of real estate and all lists of personal property and the valuation thereof may be revised, amended, corrected and equalized by the board of aldermen at any time, and the valuation of any property may be raised, after giving five days' notice to the person liable for taxation, or to his agent, to show cause why such change should not be made; and property having escaped taxation for previous years shall be entered on the town tax list and the person liable therefor charged with taxes for the year or years for which it so escaped, not exceeding five years, together with the taxes on the same for the year in which it is so entered: *Provided further*, that all polls and property so entered on the town tax list by the clerk or by order of the commissioners shall be as binding on the persons against whom the same is charged as if they had listed the same with the clerk.

Proviso: aldermen may revise list.

Back taxes.

Proviso: tax list binding on persons charged.

Sec. 43. That the aldermen may, at any time after the first day of June, in each year, either before or after the clerk has submitted the tax list to them, levy the taxes on polls and property subject to taxes in the town; and as soon as the clerk shall have completed the tax list and the same shall have been revised by the board of aldermen (if revision be necessary), and the taxes levied by the board, the taxes shall be computed by the clerk and entered on the said list, and the clerk shall prepare a list of taxes in book form for the convenience of the tax collector, and the aldermen shall place the tax list in the hands of the tax collector, who shall at once proceed to collect the taxes as charged thereon, and all taxes thereon shall immediately become due. All taxes appearing on the tax list shall have the full force and effect of a judgment against the person charged, and may be collected by distress and sale as provided by law. Any person, firm or corporation shall be allowed a discount of two per cent. if they shall pay the full amount of his, their or its taxes on or before the first day of December of the year in which taxes were listed; no discount to be allowed on taxes paid between December first and January first; and each person, firm or corporation failing to make payment of such taxes before January first next after said taxes were listed shall pay a penalty of one (1) per cent. of the total amount of their taxes for each month or fraction of a month until said taxes are paid, said penalty to be charged in the tax receipt and collected as a part of the taxes levied by the aldermen. The tax collector shall make a full settlement of the town taxes on or before the first day of April next after the listing of the taxes, and for a failure to do so shall be liable to a penalty of fifty dollars for each offense.

Aldermen to levy taxes.

Clerk to prepare tax book.

Taxes to have force of judgment.

Discount for payment.

Penalty for delayed payment.

Final settlement of tax collector.

Penalty for failure.

Failure to list a misdemeanor.

Sec. 44. That any person liable for poll tax in the town who shall wilfully fail to list their poll, and any person who shall wilfully fail to list property in the town, which he is required by law to list, and within the time allowed by law, shall be guilty of a misdemeanor, and, upon conviction before the mayor or any justice of the peace, shall be fined not exceeding fifty dollars ($50) or imprisoned not exceeding thirty days, and it shall be the duty of the tax collector to prosecute offenders against this section: *Provided*, the aldermen may require them to be charged on the tax list with double tax.

Punishment.

Proviso: double tax for failure to list.

Collection by distress.

Sec. 45. That if any person liable for taxes on subjects directed to be listed shall fail to pay the same when due, the tax collector may proceed to collect the same, by distress and sale, together with all costs, after ten days' advertisement by notice posted at the court-house door, if the property to be sold be personalty; and when the tax due on any lot, land or real estate of any kind (which tax is hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate of the person in whose name it appears on the tax list, liable to distress and sale and known to the tax collector, the tax collector shall report the same to the aldermen, and he shall sell all such real estate at the court-house door, after advertising the same for thirty days in some newspaper published in the town of Newton, on any day named in such advertisement, except Sunday or a legal holiday, to the highest bidder for cash. The costs of advertising and sale shall not exceed one dollar. The tax collector may divide said land into as many parts or lots as he may deem convenient, and for that purpose he is authorized to employ a surveyor, adding the costs to the amount of unpaid taxes, and shall sell as many parts thereof as may be required to pay said taxes and all penalties, costs and expenses thereon. If it is not deemed convenient to divide such lands, or if any part or parts thereof will not sell for enough to pay the taxes, penalties, costs and expenses, the collector shall sell the whole. If no person will pay the whole of the taxes, penalties, costs and expenses for the whole of the real estate, the same shall be bid off by the collector for the town of Newton, and the same shall belong to the town in fee, unless redeemed in the manner and time prescribed by law and this charter. The tax collector shall, as soon as convenient thereafter, return to the board of aldermen a statement of his proceedings, showing the purchaser or purchasers of such real estate and the amount for which each piece or part thereof was sold, which shall be entered by the clerk upon the minute book of the board of aldermen; and if there shall be any surplus after paying said taxes, penalties, costs and expenses, the same shall be paid to the town treasurer, subject to the demand of the person entitled, without interest.

Advertisement and sale of real estate.

Costs.

Returns to be made to aldermen and recorded.

Right of redemption.

Sec. 46. The owner of any real estate sold for taxes, penalties, costs and expenses, as aforesaid, or any person acting for such owner, may redeem the same at any time within one year after the sale by paying to the purchaser the sum paid by him for said real estate and twenty-five (25) per cent. on the amount of the taxes, penalties, costs and expenses; and the treasurer shall refund to the owner, without interest, the proceeds of the sale, less double the amount of taxes, penalties, costs and expenses.

Conveyance of property not redeemed.

Sec. 47. If any real estate sold for taxes, etc., as aforesaid, shall not be redeemed within the time specified, the same shall be conveyed in fee to the purchaser or his assigns, by a deed signed by the tax collector, attested by the town clerk, with the corporate seal attached; and the recitals in such conveyance shall be conclusive evidence that the tax collector has complied with all the requirements of law necessary to make the same valid, and the deed shall be presumptive evidence that the taxes for which the property was sold are due and unpaid. No such sale of real estate for taxes shall be invalid on account of the same having been charged in any other name than that of the rightful owner, if said real estate be in all other respects sufficiently described to insure identification.

License taxes.

Sec. 48. That, in addition to the real and personal property and polls hereinbefore required to be listed for taxation, the board of aldermen may levy and collect a license tax on any of the following subjects, businesses, trades, occupations or professions, the amount of which tax, when fixed, shall be collected by the tax collector, and if such tax be not paid on demand, the same may be recovered by suit, or the article upon which the tax is imposed, or any other property of the person or corporation liable for such tax, may be forthwith distrained and sold to satisfy the same, namely:

Purchase tax.

(1) On every hundred dollars of the purchase price of goods, wares and merchandise, purchased for re-sale by any merchant doing business in the town within one year next preceding the first day of June of each year, a tax not exceeding twenty cents per annum.

Peddlers.

(2) On every itinerant merchant or peddler, selling or offering to sell in the town, excepting those who sell only books, charts, maps or wares of their own manufacture, but not excepting those who sell drugs, medicines or nostrums, by whomsoever manufactured, a tax not exceeding twenty-five dollars per annum.

Dealers in fresh meats.

(3) Upon every dealer in fresh meats, a tax not exceeding twenty-five dollars per annum.

Vehicles for hire.

(4) Upon any or all of the following: Every omnibus, hack, cab, carriage, dray, baggage wagon or other vehicle used to transport persons, baggage, freight or other articles, for hire, a tax not exceeding twenty dollars per annum.

Dogs.

(5) Upon every dog within the corporate limits of the town, a tax not exceeding five dollars per annum, and any person who owns or has in his possession a dog shall be liable for the tax, and any dog at large on the streets, the tax not having been paid, may be killed by any police officer: *Provided*, the aldermen may discriminate within above limits on dogs of different species and sexes; and any person who shall own or keep a dog on which the tax has not been paid shall be guilty of a misdemeanor, and fined not more than double the tax.

Proviso: discrimination.

Dealers in explosives and weapons.

(6) On all persons or corporations selling or dealing in fire-crackers, cannon-crackers, roman candles or other fire-works, a tax not exceeding one hundred dollars a year; on all persons dealing in pistols, cartridges, metallic knuckles or sling-shots, a tax not exceeding fifty dollars a year.

Bill-posters.

(7) On every person engaged in posting, distributing or tacking up bills, posters, signs or advertisements, a tax not exceeding twenty-five dollars a year.

Miscellaneous occupations.

(8) On any of the following: Every building and loan association, oil agency, hotel, boarding-house, restaurant, eating-house, livery-stable, sale stable, dealer in musical instruments or agent of the manufacturers, sewing-machine company or agent, stock-yard, dealer in coal or wood, insurance agent or agency, plumber or person putting gas, water or light fixtures in houses or yards, junk dealer, photographer, traveling photographer, auctioneer, barber shop, shoe-shiner or bootblack or their stand, undertaker, dairy wagon or vehicle, soda or mineral water fountain, real estate agent, stock or bond broker, ice-dealer, bakery, oculist, dentist, physician, lawyer, fortune-teller for reward, a tax not exceeding twenty-five dollars per year.

Dealers in cider.

(9) On every person selling cider, except pure apple juice, in the town or within one mile thereof, a tax not exceeding five hundred dollars a year.

Dealers in other drinks.

(10) On every person selling any other kind of drink in the town or within one mile thereof, a tax not exceeding five hundred dollars a year; but a discrimination may be made on any of the various kinds of drinks, and any kind of drink may be taxed or not, in the discretion of the board.

Opera-house or other hall.

(11) On every opera-house or other hall used for theatrical, musical or other like entertainments, a tax not exceeding twenty-five dollars a year.

Bottling works.

(12) On every bottling works or establishment in town or within one mile of the corporate limits, a tax not exceeding two hundred dollars a year.

Dealers in cigarettes.

(13) On every dealer in cigarettes, a tax not more than twenty-five dollars a year.

Receipts of express, telegraph and other companies.

(14) On any of the following: Every express company, telegraph company, telephone company, gas company, electric-light

company, power company, street railway company, or railroad company, doing business or having an office in the town, a tax not exceeding one per cent. of the gross receipts from its business in the town of Newton for the preceding year ending on the thirty-first day of May next before the tax is levied; and any such company, its manager or agent in charge of its business in said town, shall, on the first day of June of every year, make to the town clerk a written return, under oath, of the amount of such gross receipts; and any company, manager or agent failing or refusing to make such returns shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days, and a specific license tax shall be levied on such company not exceeding five hundred dollars; and the aldermen may discriminate between the various companies according to business engaged in or otherwise. In lieu of the tax on gross receipts, a specific license tax of not more than five hundred dollars may be fixed and collected, discriminating between the different kinds of companies, business done or otherwise.

Returns of receipts under oath.

Specific tax on companies.

Specific tax in lieu of tax on receipts.

(15) Upon any of the following: Every circus, company of circus riders or performers, by whatever name called, exhibiting in the town or within one mile thereof, a tax not exceeding fifty dollars for each performance or separate exhibition; and upon every side show connected therewith, a tax not exceeding ten dollars.

Circus riders.

Side shows.

(16) Upon every person or company exhibiting in the town or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing, menagerie, and other shows, including dog and pony shows, if under canvas, a tax not exceeding twenty-five dollars a day; if in a hall, a tax not exceeding ten dollars for each performance.

Stage plays and other performances.

(17) On each exhibition for reward of artificial or other curiosities, a tax not exceeding ten dollars a day; on each concert or musical entertainment, and on each lecture for reward, and on all other shows or exhibitions or entertainments, a tax not exceeding ten dollars for each performance on any one of the same: *Provided*, plays, shows or other amusements given in a regularly licensed hall or opera-house shall not be taxed; nor where same is given solely for religious, charitable or educational purposes.

Exhibitions of curiosities.

Lectures.

Proviso: exceptions.

(18) On every merry-go-round, hobby-horse, switch-back railway, Ferris wheel, skating-rink and like contrivance, a tax not exceeding fifty dollars a year, and on every pool table, billiard table, bagatelle table, bowling alley, bowling saloon, shooting gallery, and every other table, alley, stand, place or contrivance for any other game or play, with or without a name, unless used for private amusement or exercise alone, a tax not exceeding twenty-five dollars a year; and on every jack or stallion standing in the town, a tax not exceeding twenty-five dollars per year.

Merry-go-round and like contrivances.

Pool tables and like contrivances for games or play.

Jacks and stallions.

Street privileges. (19) On all street privileges of any and every kind, such license tax as may be fixed by the aldermen or by their authority, by the day, week, month or year.

Other subjects. (20) The board of aldermen shall have power to levy a license tax on any business, profession, occupation, trade, avocation or subject not otherwise authorized herein, not to exceed two hundred dollars per annum.

License year. The license year shall begin the first day of June of each and every year, and every license issued under the annual rate of taxation shall expire on the thirty-first day of May following; and when such license is taken out after the first day of June, the tax shall be proportioned according to the unexpired portion of the year.

Occupations classified. That the board of aldermen shall have power to levy and collect license taxes on any or all of the subjects, businesses, trades, occupations, professions, or contrivances included in any or all of the subdivisions of this section, in their discretion, and may divide any of the same into classes according to size, patronage, income or otherwise: *Provided*, the tax on any class shall be uniform.

License for less than year. And the said board may, in their discretion, authorize the issuing of a license by the day, week, month, or months, on any of the persons, subjects, trades, etc., included in subdivisions two, three, four, six, seven, eight, ten, eleven, eighteen and twenty, at such rate as they may authorize, which rate shall be higher than *pro rata* of the annual rate.

Carrying on business without license a misdemeanor. Any person, persons or corporation carrying on or practising any business, trade, profession, or avocation of any kind on which a license tax has been levied, or any person or corporation in any way becoming liable for license tax levied by the board of aldermen, without having first paid the tax and obtained a license therefor, shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Punishment.

Revocation of license. The board of aldermen may revoke any license at any time for cause satisfactory to the board.

Fire department. Sec. 49. That the board of aldermen may provide for the organization, equipment, maintenance and government of a fire department, and such number of fire companies as they may deem necessary.

Fire limits. Sec. 50. That the aldermen shall establish and maintain fire limits in the town, within which it shall be unlawful to erect or repair wooden buildings or additions thereto, or any metal-clad frame building, or to remove any wooden or metal-clad frame building of any kind into said limits; and said board may prohibit the removal of any such building from one place to another within said limits, and shall prescribe penalties for the violation of any provisions of this section.

Building regulations.

Sec. 51. The board may make rules and regulations governing the erection and construction of buildings in the town, in the fire limits, and also for buildings in the town outside of the fire limits, for the better prevention of and protection against fire. They may prohibit or restrict the explosion of fire-works or other explosives of any kind, and regulate and govern the storage and sale thereof in the town, and may make any and all regulations and laws that may be deemed best for the prevention and extinguishment of fires.

Fire-works and explosives.

Destruction of buildings to stop fires.

Sec. 52. In case of fire the mayor, or in his absence a majority of the aldermen, may order the blowing up, tearing down or destruction in any other way that may seem best of any building when it is deemed necessary to stop the progress of the fire; and no person shall be held civilly or criminally liable for acting in obedience to the orders thus given.

Light plant and water-works system.

Sec. 53. That the town may construct, own, maintain, operate, and from time to time extend and improve a light plant and a water-works system for the necessary purposes of furnishing lights to the town and its citizens, and water for fire protection and other purposes; but the town shall in no case be liable for a failure to furnish a sufficient supply of either water or light: *Provided*, if the town's power plant should at any time furnish more power than is continuously needed for the operation of the light and water plants it may sell and furnish power to individuals and corporations, or the town may purchase power to operate its plants.

Proviso: purchase or sale of power.

Condemnation of land for light plants and water-works.

Sec. 54. That the board of aldermen may acquire and hold rights-of-way, water rights and other property within and without the town limits, and shall have power to condemn and take rights-of-way, easements, water rights and other property, within or without the town limits, for the purpose of getting, storing, maintaining and furnishing a pure and adequate supply of water and for furnishing lights for the town and its citizens. That the proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for streets and other purposes.

Procedure.

Water and light commission.

Sec. 55. That, for the proper management of the light plant and water system, a commission, to be known as the "Water and Light Commission," may be established by the board of aldermen, and, if established, shall consist of three members, whose terms shall be, respectively, one, two and three years, and their successors shall each be elected for a term of three years. All vacancies to be filled by the aldermen. The said commission shall organize by the election of one of its members as chairman, the chairman to be elected annually.

Vacancies; organization.

Powers and duties of commission.

Sec. 56. That the said commission shall have entire supervision and control of the maintenance, improvement and manage-

ment of the light plant and water plant or system, and shall fix such rates for water and lights as they think best, and change and alter the same from time to time (including rates for lights furnished the town and water for public purposes, including hydrants for fire protection): *Provided*, that any person may appeal from its decision as to rates to the aldermen and their decision shall be final, until the said commission shall change the rates: *Provided further*, that the light and water systems may be extended beyond the town limits, upon such terms and conditions as the board of aldermen may determine.

Proviso: appeal to aldermen.

Proviso: extension of light and water systems.

Officers, agents and employees.

Sec. 57. That said commission shall elect all officers, agents and employees necessary to the conduct of said plants, and fix their remuneration; but the board of aldermen shall determine who shall give bond, and fix the amount thereof. And the board of aldermen may allow a remuneration to the members of the said commission, but such remuneration shall continue only until a new board is elected and qualified.

Pay of commission.

Funds to be kept separate.

Sec. 58. That the said commission shall keep its funds in the hands of the town treasurer, but in an account separate from the other town funds; said funds to be paid out only on the order of the said commission or as authorized by it. At the end of each quarter the said commission shall report to the aldermen its receipts and an itemized statement of disbursements, with recommendations as to disposition of funds on hand, and the aldermen may order any part of the funds transferred to the general fund.

Quarterly reports.

Duties of aldermen if commission not established.

Sec. 59. If the said commission be not established, the board of aldermen shall perform the duties and exercise the powers herein conferred on said commission.

Powers of aldermen in prevention of fires.

Sec. 60. The board of aldermen may make all regulations and take all proper means to prevent and extinguish fires; may make ordinances to prohibit or control the sale and use of fire-arms, fire-works, torpedoes and other explosive material; to control the manner in which powder, oil or other explosive or inflammable substances may be kept and sold, and to regulate and control the construction an arrangement of stove-pipes and flues in buildings.

Ordinances in relation to water-works and light plants.

Sec. 61. The board of aldermen shall have full power and authority to make all ordinances, rules and regulations for the protection of the water-works system and the light plant, as well as each and every part thereof; for the regulation of the use thereof, and to enforce the prompt payment of the rents for water and lights; for the introduction of water into or upon any premises. If rents for water or lights be not paid at the times prescribed, the board of aldermen, the water and light commission or other person authorized may cut off either water or lights, where the rents have not been paid, and shall not supply such person or premises in arrears with water or lights or both, as the case may be, until the sum due, with interest thereon, shall have been paid.

Any member of the water and light commission or board of aldermen, or other person in their employ, are authorized to enter any dwelling or other place, after demand, to examine water and light fixtures, and inquire into the cause of waste of water and the overuse of electric current; and any person who opposes or obstructs such entrance at reasonable hours shall forfeit all rights to be supplied with water or lights, as the case may be. Entrance into dwellings for inspection.

Sec. 62. The board of aldermen shall have power to lay out, change and open new streets and sidewalks, to widen, change in any way or extend those already open; to grade, macadamize, pave, concrete, cement or in any other way improve the streets and sidewalks of the town, as they may deem best for the public good; to acquire, lay out, establish and, with the mayor, regulate and control parks, squares or other public grounds, within or without the town limits, for the use of the town; to protect and regulate the planting of shade trees on the streets, sidewalks, public parks and squares of the town, and to top and trim the same; to remove any trees or parts of trees, or roots interfering with proper improvements, from time to time, or plant other trees, on the streets, sidewalks, public parks and squares, as the board or superintendent of streets may deem best; to permit the erection of telegraph, telephone, electric-light, street-car and other poles upon the streets, sidewalks, alleys, parks, squares or other public grounds of the town, under such regulations as they may make; to prohibit or prevent the erection of such poles, and to make ordinances to control and regulate all such poles as shall have been or hereafter may be so erected, and the use of the same, at any and all times, and they may remove or cause to be removed the same or any of them, at any time, and in such manner and upon such notice as to them shall seem proper, and all expense thereof shall be paid by the owners thereof; to regulate, control, license, prohibit and remove all structures and things of whatsoever name or character, being or growing, erected, constructed, put or placed on, above or under the streets, parks, squares, alleys, sidewalks or other public grounds of the town; to prevent the erection of barbed-wire or dangerous fence or structures along or near the streets and sidewalks; to require all property owners to properly protect the public from dangerous places or things on their property near any street or walk; to regulate or prohibit cellars or entrances to cellars on or under the sidewalks; to regulate the speed at which animals or vehicles or other things may be ridden, driven or in any way propelled or moved on, along, through or over the streets and public grounds; to require all railroads to keep all street crossings in good repair for the full width of the street and sidewalks in such manner and way as the board may designate, and to keep the streets, walks and public yards around the depots in good condition and repair and clean; to prohibit or regulate and Powers of aldermen as to streets.

control the stopping of railroad cars and engines on the street crossings; to require railroads to place electric signals or other signals or other protection at street crossings to give notice of approach of trains and to protect the public; to regulate and control the running of other cars and engines of whatever kind through or in the streets; to require property owners to prevent water from roofs, spouts or drains dropping or flowing on the sidewalks or streets, and to prevent water from ditches and drains from lots flowing into the streets, and to adopt such ordinances, with such penalties, as they may deem best to carry into effect the foregoing powers, together with all other ordinances for the control, regulation and use of the streets, sidewalks, alleys, parks, squares and other public property of the town, as they may deem best for the public welfare.

Privileges, franchises and charters may be altered or revoked.

Sec. 63. All privileges, franchises and charters heretofore granted or that may hereafter be granted by the board of aldermen of said town, and all ordinances thereof conferring any such privileges, franchises or charters, may be altered, amended, modified, repealed or revoked by the board of aldermen, from time to time, anything in said privileges, franchises, charters or ordinances contained to the contrary notwithstanding.

Road duty.

Sec. 64. The board of aldermen may require all able-bodied male persons residing within the incorporate limits, between the ages of eighteen and forty-five years, to work on the streets not exceeding six days in any one year, and may make regulations by which, upon the payment of a sum of money not exceeding four dollars, the said person may be exempted from street labor. Any person failing to work when summoned in accordance with the ordinances of the town, and failing to pay the sum fixed as an exemption, shall be liable to the penalties of the ordinances.

Lot owners to keep sidewalks in good condition.

Abutting property to contribute to improvements.

Sec. 65. That the owner or lessee of any lot abutting on a public street shall keep the sidewalks clean and in good condition along such lot, and for failure to do so shall be subject to such penalties as the board of aldermen shall prescribe; and whenever, by order of the board of aldermen, any sidewalk shall be curbed, paved or otherwise improved, or any gutter adjoining shall be macadamized, paved, cemented or otherwise improved, the owner or owners of any lot abutting on such sidewalk shall pay such part of the costs and expenses of grading, paving, macadamizing, cementing or otherwise improving such sidewalk and the adjoining gutter, ditch or drain, including the making of foot-crossings, the entire length of such abutting property, as the board of aldermen may order, not less, however, than one-half of the entire cost and expenses, whether said improvements shall be made in front, in rear or on the sides of said property: *Provided*, such sidewalks shall thereafter be kept in good condition and repair and all private driveways and crossings shall be made by the owner or owners of the

lot or lots; and whenever, by order of the board of aldermen, any street shall be macadamized, paved, repaired or otherwise improved, the owner of any lot abutting on such street shall pay one-half of the cost of said improvements, from the sidewalk to the middle of the street, along the entire distance his or their lots abut on such street. All improvements made as herein provided shall be done under the strict supervision of the superintendent of streets or other official authorized to superintend the same, and all improvements made by the town shall be done by the town forces or by contract, and the actual proportion of the cost ordered by the board of aldermen shall be charged to the abutting property, and the said charge shall be a lien on said property, and, if not paid within thirty days after the completion of the work, the said abutting property may be sold, or enough thereof to pay such cost and expenses of sale, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes, or the same may be collected by suit to foreclose the lien. Any work or improvements or repairs required to be done by the owner of any lot or the lessee shall be done upon such notice as the aldermen shall prescribe, and upon default the same shall be done by the town, and the cost thereof shall be a lien on the property as aforesaid, and shall be collected as herein provided for other improvements: *Provided*, that when the town has any of the said work or improvements done as provided for in this section, the aldermen shall give the owner of the abutting property ten days' notice of the amount charged against his property; and if the said owner is dissatisfied with the amount of said charge he may give notice to the board of aldermen within ten days aforesaid that he takes an appeal to the next term of the Superior Court of Catawba County, and shall, within five days thereafter, serve a statement of facts upon which he bases his appeals: *Provided*, the costs and charges for improvements to be assessed against property, as herein provided, shall in no case exceed the special enhancement or increase in value of said property occasioned by reason of any improvements made under authority of this section: *Provided further*, in addition to the foregoing provisions, the board of aldermen may adopt ordinances imposing penalties on persons or corporations failing to make any improvements or repairs authorized by this section, after being ordered so to do by the board of aldermen.

Charges for improvements a lien on property.

Notice to owners to make repairs.

Proviso: notice to lot owners.

Appeals.

Proviso: costs not to exceed benefits.

Proviso: penalty for failure to make improvements or repairs.

Sec. 66. That the board of aldermen may grant franchises to street railway companies, and, when any franchise is so granted, the railway company shall be required to pave and keep in repair at least the portion of streets occupied by its tracks; and, on failure by the company, the town shall do such paving and repairs and charge the company double the costs thereof, and the said

Street railways.

charge shall be a lien on the property of said company, whether real or personal, anywhere in the county of Catawba, and shall be collected as is provided by law for the collection of taxes. Any portion of the streets so paved by any railway company shall be deemed as a part of the street to be improved at the expense of the town, and in no case shall the same be deducted from the part for which the abutting property is liable.

Condemnation of land for streets.

Sec. 67. That when any land or right-of-way shall be required for the purpose of opening new streets, widening, extending or changing those already open, or for any other purpose or object allowed by this charter or by the general law, and for want of agreement as to the compensation therefor, and the same cannot be purchased from the owner or owners at what the board of aldermen consider a reasonable price, the same may be condemned by the board of aldermen and taken at a valuation to be made by three disinterested freeholders of the town, one of whom shall be chosen by the board of aldermen and one by the owner or owners or their agent, and, in case these two do not agree, then the two thus chosen shall elect a third: *Provided*, if the owner or owners or their agent fail to choose a freeholder as aforesaid within five days after notice calling on them so to do shall have been posted by the mayor or clerk at the court-house door and at the mayor's office, or such notice shall have been personally given, the mayor shall choose such freeholder for him or them; and in making said valuation said freeholders, after giving the owner or owners or their agent notice, or after giving ten days' notice in a newspaper published in the town or posting same at the court-house and mayor's office, in case such owner cannot be found in the town, and, after being duly sworn by the mayor, a justice of the peace or other person authorized to administer oaths to act and perform their duties impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right-of-way being surrendered, also any benefit or advantage such owner may receive from the opening, widening, extending or changing such streets or other improvements or purposes for which said lands or right-of-way be taken, and ascertain the sum, if any, which shall be paid to the owner of said property, and report the same to the board of aldermen, under their hands and seals, which report, on being confirmed by the board of aldermen and spread upon their minutes, shall have the effect of a judgment against the town of Newton, and shall pass the title to the town of the land so taken, and the land may at once be taken and used by the town for the purpose intended: *Provided*, that if any person whose land or property is condemned and taken under this section, or the board of aldermen, be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next term of the Superior Court

Benefits to be considered.

Report to have effect of judgment.

Proviso: appeal.

of Catawba County, and the party appealing shall give notice of such appeal to the other party within ten days after notice of such valuation: *Provided, however*, that such appeal shall not hinder or delay the board of aldermen in taking said land or property and using the same for the purposes and objects intended, whether opening, widening or changing streets or making other improvements allowed by this charter or the general law. Proviso: appeal not to delay action.

Sec. 68. That the board of aldermen shall have power to construct a sewerage system for the town, and protect and regulate the same and the use thereof by adequate ordinances, and may condemn a right-of-way when deemed advantageous to place any part of the same on private property, and condemn a right-of-way, to and for a proper outlet, either within or without the corporate limits of the town, and the proceedings for condemnation shall be as herein provided for opening new streets and other purposes. Sewerage system.

Sec. 69. That the aldermen may require all persons on a line of sewer to connect their premises with the said sewer with proper fittings and plumbing. Sewer connections.

Sec. 70. That the board of aldermen may charge and collect a sewer rental in such a reasonable amount and collectible at such periods as it may prescribe for the use of said sewer, said rental to be based on the number of sinks, closets, etc., connected with the sewer, or otherwise, as the board may determine, and in case the rental is not paid when due, it shall become a lien on the property with which connections are made, and may be collected in the same way as unpaid taxes and with the same costs and penalties. Sewer rental.

Sec. 71. That the board of aldermen may require the removal of night soil from the town, and may provide for the removal thereof by the town, by means of carts or otherwise, and may have any or all houses not connected with the sewer system visited for the purpose of such removal, at such periods as may be prescribed by the board, and may collect from the owner or lessee of every dwelling, storehouse, factory or other place in the town, not connected with the sewer system, and so visited, a sum not exceeding three dollars ($3) per annum for each dwelling, and for other houses and places such charges as shall be reasonable, graduated according to the size or use of such houses or places; and the board of aldermen may also require the removal of garbage, slops and trash from the town, and may provide for the removal thereof by the town, by means of wagons, carts or otherwise, and in that case may have any and every house used as a residence, store, boarding-house, hotel, or other place in the town or parts thereof, visited for the purpose of such removal, at stated intervals, and may require the owner or occupants of such houses and places to have the garbage, slops and trash ready in a convenient place and receptacle, so that it may be easily removed, and may charge therefor a fee not exceeding nine dollars ($9) per annum on each Sanitary regulations.

house, and the said charges may be graduated according to size or use of the house or place, or otherwise, as the board may determine. The charges authorized under this section and made by the board of aldermen to be due and collectible at such time as the said board may prescribe, and shall be a lien on the property where such house or place is situated, and if not paid when due shall be collected as provided for the collection of unpaid taxes, with the same costs and penalties.

Further sanitary regulations.

Sec. 72. That the board of aldermen shall have the power, and it shall be their duty, to regulate and control the manner in which dogs or hogs may be kept in the town, or may prohibit the same; to regulate and control the location and condition of slaughter pens, or prohibit the same; to regulate and control the location and manner of keeping in sanitary condition of all privies, stables, sties, and other places likely to become a nuisance or injurious to public health, and to cause all lots, alleys, cellars, privies, sties, stables, slaughter pens and all other places to be kept in a clean and sanitary condition, and may appoint a sanitary committee or sanitary policeman or other officer, who shall have authority to enter any premises for the purpose of examination, and to have any premises in bad order cleaned, and the board or officer designated by the board shall have power summarily to remove, abate or remedy, or cause to be removed, abated or remedied everything which is dangerous or prejudicial to the public health, and all expenses of having any premises cleaned, or of removing, abating or remedying anything dangerous or prejudicial to health, shall be paid by the owner or occupant of the premises or other person in default, and if not paid, to be a lien upon the land, premises or property where the trouble arose or existed, and shall be collected as unpaid taxes are collected, with twenty-five per cent. added thereto.

Sanitary committee or officers.

Powers of board or officer.

Lots to be drained, cleaned and filled up.

Failure a misdemeanor.

Punishment.

Work done by town lien on lot.

Sec. 73. The board of aldermen or the mayor or sanitary officer shall have power and it shall be their duty to notify the owner of any lot upon which water stands or stagnates to cause the same to be drained, cleaned and filled up, and if the owner fails so to do in five days after the service of such notice the owner shall be guilty of a misdemeanor, and upon conviction be fined not exceeding fifty dollars ($50) or imprisoned not exceeding thirty days; and the draining, cleaning and filling up shall be done by the town, and the expense, with twenty-five per cent. added, shall constitute a lien upon the lot or lots, and may be recovered by action before a court having jurisdiction; and any cellar, well, hole or other dangerous thing on any lot may in like manner be filled or removed, and costs and like penalty be recovered in like manner.

Hospitals and pest-houses.

Further sanitary regulations.

Sec. 74. That the board of aldermen may establish and maintain a hospital or hospitals or pest-houses within or without the town limits; may stop, detain, examine and place or keep in a

pest-house or house of detention any person having or suspected of having any infectious or contagious disease; may quarantine the town or any part thereof or any house; may cause all persons to be vaccinated; may, without incurring liability to the owner, remove, fumigate or destroy furniture, bedding, clothing or other property which may be suspected of being tainted or infected with any infectious or contagious disease, and may do all other proper and reasonable things to prevent or stamp out contagious or infectious diseases; and all expenses incurred by the town in disinfecting or caring for any person by authority of this section shall be paid by the person cared for or those liable for the care of such person.

Cemeteries.

Sec. 75. That the board of aldermen may establish, maintain and regulate one or more cemeteries within or without the town limits, and may condemn lands necessary for cemetery purposes, and the proceedings in said condemnation shall be the same as are herein provided for the condemnation of lands for streets and other purposes.

Cemetery trustees.

Sec. 76. The board of aldermen may appoint a commission of three persons, to be known as the "Cemetery Trustees," who shall have entire charge of the cemetery or cemeteries, with full power to employ a keeper and other employees to care for and improve the cemeteries; and the aldermen shall make an annual appropriation for the support of cemeteries, which appropriation shall be at the disposal of said trustees or the chairman thereof. The proceeds from the sale of cemetery lots and burial rights and privileges and other income from cemeteries shall be used for beautifying and improving the cemeteries, and for no other purpose.

Appropriation for support.

Sale of cemetery lots.

Sec. 77. The cemetery trustees may sell lots, parts of lots or burial places and privileges to such persons, at such prices and upon such terms, as they may deem best, and may refuse to sell a lot or parts of lot to any person, in their discretion, and no person shall sell or transfer a lot or part of lot to another person without the consent of the trustees: *Provided*, that in the sale of lots only the privilege of burying therein, subject to the rules and regulations of the trustees and the ordinances of the town, so long as the interment of bodies may be permitted by the town, shall be acquired by the purchaser, but the same shall be subject to the regulation, control and supervision of the said trustees in all respects. All lots unpaid for, in whole or in part, for the space of thirty days shall be resold, either publicly or privately, by the chairman of the trustees or the cemetery trustees. All deeds for lots, parts of lots or privileges and all permits shall be signed by the chairman of the cemetery trustees and attested by the town clerk.

Proviso: privilege of buying.

Lots unpaid for resold.

Powers of trustees.

Sec. 78. The trustees shall have power to remove trees, vines, shrubs or any other growth or structure or thing whatever within the cemetery, and may plant or erect or place other trees, vines, shrubs or structures therein; they shall have power to make all rules and regulations, not in conflict with the ordinances of the town, governing the grounds, the interment of bodies therein and the keeping and use and improvement of the cemeteries, and may require the removal of bodies buried without first obtaining a written permit. Any person violating any of the rules and regulations prescribed by the said trustees shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Term of trustees.

Sec. 79. The board of aldermen shall fix the term for which the trustees shall serve, and on failure to elect the trustees the aldermen shall have all the power and perform all the duties herein conferred on the cemetery trustees, and in that case all deeds shall be signed by the mayor and attested by the clerk, and all permits shall be given by the mayor. The powers conferred on the trustees shall not prevent the aldermen from making ordinances for the better protection and regulation of the cemeteries. The aldermen may prohibit the interment of dead bodies within the town limits. The board of aldermen may require all persons owning plots in the cemetery to keep the same clean and in good condition, and from time to time to make such improvements, upon such notice as is prescribed in case of sidewalk and street improvements, as the said cemetery trustees may order. In case of failure of any owner of a plat or part of a plat to put or keep the same in the condition required by the trustees, or make such improvements as the trustees may order, the cemetery trustees may have the work done and collect from the owner the cost of such work, with twenty-five per cent. added; and if not paid on demand the owner shall forfeit all right to the plat, and the same shall be sold and the proceeds applied to the improvement of the cemetery.

Ordinances for regulation of cemeteries.

Town prison, market and hall.

Sec. 80. The board of aldermen are authorized to purchase or construct, erect and improve a building or buildings for the purpose of having a town prison, a town market, a town hall or for any other purpose they may deem for the best interest and welfare of the town, and in the erection or purchase of any such building they may have storerooms, offices or other rooms or hall for rent, and may have and conduct an opera-hall, or lease the same upon such terms as may seem best. Theaters and other shows using said opera-house may be exempt, by order of the board, from all license taxes. The aldermen shall have full authority to make all rules and regulations prohibiting, restricting and governing shows and entertainments of any and all kinds, and the conduct of persons attending the same.

Sec. 81. The aldermen shall have power to establish, maintain and regulate a market or markets, and may prescribe the time, manner and place of sale of fresh meats, fish and other marketable products; fix rents for stalls; appoint a keeper, inspector or other officers of the market; may designate an officer to inspect fish, meats and other products, and said officer shall have power and it shall be his duty to summarily condemn all unsound products offered for sale in the town for food, and cause the same to be removed at the expense of the person offering it for sale or having it in his possession. Market regulations.

Sec. 82. Any person who shall knowingly offer for sale any unsound article for food shall be guilty of a misdemeanor, and fined not exceeding fifty dollars ($50) or imprisoned not exceeding thirty days. Offering unsound food for sale a misdemeanor. Punishment.

Sec. 83. That the Board of Aldermen of the Town of Newton is hereby authorized and empowered to create a debt or borrow money for necessary expenses and improvements, not exceeding in the aggregate the sum of five thousand dollars, to be repaid as soon as may be from the general taxes of the town. Aldermen may borrow money. Limit.

Sec. 84. That to refund the present bonded indebtedness of the town, seven thousand dollars of which matures October first, one thousand nine hundred and nine; to construct, install and operate a water-works system and an improved electric-light plant, and to construct a system of sewerage for the town; to erect or purchase buildings and grounds authorized by this charter; to improve the streets and sidewalks of the town, all of which are declared to be necessary improvements, and for such other improvements and expenses as shall be deemed necessary, the board of aldermen are hereby authorized and empowered, in the name of the town of Newton, to issue bonds, from time to time, in such denominations and forms as it may determine, to an amount not exceeding the sum of one hundred thousand dollars, to be payable at such time or times and at such place or places as the board of aldermen may prescribe: *Provided*, the time of payment of said bonds shall not be more than thirty years from their date, and the bonds issued at any time may be divided into classes so as to mature at different dates. Bond issue authorized. Amount. Proviso: time of payment; bonds may be classified.

Sec. 85. That said bonds shall bear interest from their date, at a rate not exceeding six per cent. per annum, which interest shall be payable at such times and places as shall be determined by the said board; and the said bonds shall be signed by the mayor and attested by the clerk, and shall have affixed thereto the corporate seal of the town of Newton. The coupons shall be signed by the mayor only. Said bonds shall be exempt from taxation by the town of Newton or the Newton Graded School District. The board of aldermen shall sell of cause to be sold the said bonds, or any part of the same, at public or private Interest. How bonds and coupons attested. Exempt from municipal taxation. Sale of bonds.

sale. The money arising from the sale of said bonds, or any part thereof, shall be paid to the town treasurer and may be used for any of the purposes hereinbefore specified and no other:

Proviso: purchasers of bonds not responsible for use of proceeds.

Provided, nothing in this act shall be construed so as to require the purchaser or purchasers of any of said bonds to see that the purchase-money is applied as directed by this act.

Election on bonds.

Sec. 86. That no part of said bonds shall be issued until the question of issuing the same shall first be submitted to the qualified voters of the town of Newton, at an election to be called by the board of aldermen for that purpose, which election may be held at the same time as the election of mayor and aldermen or at any other time named by the board of aldermen. Notice of said election shall be published for thirty days prior to the day of election, and a new registration of voters may be ordered by the said board upon like notice, published in a newspaper published in the town of Newton or posted at the court-house door. All elections under this section shall be held and governed, as regards the registration of voters and the holding of the election and declaring the result, by the same laws, rules, regulations and requirements as are herein provided for other municipal elections in the town of Newton. The notice of election shall set forth the amount of bonds proposed to be issued and, as near as may be, the purposes for which they are to be issued. All qualified voters in favor of issuing such bonds shall vote a ticket on which shall be written or printed the words, "For Improvement Bonds," and those opposing the issue shall vote a ticket on which shall be written or printed the words, "Against Improvement Bonds." If at any such election a majority of the qualified voters vote in favor of issuing bonds, then the board of aldermen shall issue the bonds mentioned in the notice of election, at the pleasure of the board. The question of issuing bonds may be submitted to the qualified voters of the town, from time to time, until the full amount of one hundred thousand dollars shall have been authorized by the voters of the town.

Notice of election.

New registration.

Law governing elections.

Form of ballots.

Successive elections.

Payment of interest on debt.

Sec. 87. That the board of aldermen shall pay the interest on the present indebtedness of the town, and the interest on all bonds issued and sold by authority of the preceding sections, out of the taxes authorized by this charter to be levied and collected to pay the expenses incident to the proper government of the town (including the outstanding indebtedness and any indebtedness that may be incurred by authority of this act, not otherwise provided for), or may pay the same out of any other funds or taxes, water or light rents or other charges coming into the town treasury and not directed by law to be applied to any special purpose.

Sinking fund for bonds.

Sec. 88. That the board of aldermen, in order to provide a sinking fund for the payment of any such bonds at maturity, may set aside each year a part or all of the net profits from the

operation of the water-works system and electric-light plant, and may set aside such sum as they may determine from the general funds of the town, which shall be invested and secured as they may determine, and they shall levy and collect taxes sufficient to pay said improvement bonds at maturity; and notwithstanding the limit of taxation herein prescribed, the board of aldermen shall annually levy and collect sufficient taxes to pay the interest on the said bonds.

General ordinances.

Sec. 89. The board of aldermen shall have power to make all necessary ordinances and regulations for the due observance of Sunday; to control the manner in which commercial fertilizers are stored; to cause the preservation of good order in the town and enforce the ordinances; to suppress and remove nuisances; to prohibit all trades and occupations which are a nuisance from being carried on in the town (this power to extend as far as the mayor and police officers are given jurisdiction); to prohibit the running at large in the town of dogs, horses, cattle, hogs, goats or other animals; to prohibit or control the standing of stallions, jacks or other animals within the town; to control and regulate the sale and purchase of scrap iron, brass and copper and other junk, and may require dealers to keep a record of all purchases and person from whom purchased, and persons violating any provisions of the aldermen shall be prohibited from dealing in such articles.

Building permits and regulations.

Sec. 90. That the board of aldermen may require every person to obtain a permit before erecting any building or structure within the town limits, and may make rules and regulations governing the location of buildings; and on any street or block may establish a building line, prohibiting the erection of any building nearer the street than the line so established, and may prescribe penalties for violation of such regulations.

Extra payments to mayor validated.

Sec. 91. That amounts paid to the mayor for extra services in the administration of the affairs of the town, during three years preceding this date, not exceeding five hundred dollars over and above the mayor's salary prescribed in the charter, is hereby declared to be valid, and a proper expenditure of the town, by the board of commissioners.

Police to serve process.

Sec. 92. That it shall be lawful for the chief of police or any police officer of the town of Newton to serve all process, civil or criminal, that may be directed to them by any court, under the same regulations and penalties as are or may be prescribed by law in the case of sheriffs or constables in the county.

Convict work on streets.

Sec. 93. That it shall be lawful for the authorities of the town of Newton to work such prisoners as may be at any time confined in the jail of Catawba County on the streets and other public works of the town, and to that end it shall be lawful for the said authorities to contract with the board of county commissioners for the employment of any such prisoners.

Failure to turn over property a misdemeanor.

Punishment.

Sec. 94. That any officer of the town of Newton who shall, on demand, fail or refuse to turn over to his successor in office, or other proper officer, the property, books, moneys, seals or other effects of the town, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars or imprisoned not exceeding five years.

Tax lists subject to alteration and inspection.

Sec. 95. All tax lists which have been or may hereafter be placed in the hands of the tax collector shall be, at all times, subject to the control of the authorities imposing the tax, and shall be subject to be corrected or altered by them, and shall be subject to inspection by the public, and upon demand of such authorities shall be surrendered for inspection and correction; and any tax collector who shall fail or refuse to surrender the same upon such demand shall be guilty of a misdemeanor.

Violation of ordinances a misdemeanor.

Punishment.

Sec. 96. Any person, persons or corporation violating any ordinances of the town of Newton shall be guilty of a misdemeanor, and, unless otherwise provided, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Aldermen to pass ordinances.

Sec. 97. That the board of aldermen shall make all such rules, regulations and ordinances that may be deemed necessary to carry into force and effect any or all of the powers conferred by this act, and in all cases may impose penalties not exceeding fifty dollars, unless larger penalties are permitted by this act or other statutes.

Power to sell real estate.

Proviso: cemetery lots.

Sec. 98. That the board of aldermen, by a majority vote of those present, shall have power to sell any real estate belonging to the town, and, when so authorized, a deed for said real estate may be executed by the mayor and attested by the clerk, and shall have the corporate seal attached thereto: *Provided*, this section shall not apply to sale of cemetery plats.

Penalties recoverable.

Docketed as judgments.

Sec. 99. That all penalties imposed by law, relating to the town, or by this act or by any ordinance of the town of Newton, unless otherwise provided, shall be recoverable in the name of the town of Newton, before the mayor or any court having jurisdiction thereof, and may be docketed in the Superior Court of Catawba County, as judgments of justices of the peace, and shall become a judgment of the Superior Court.

Fines or penalties worked out.

Sec. 100. That in all cases where judgments shall be entered up against any person for fines or penalties, according to the laws and ordinances of the town of Newton, and the person against whom the same is so adjudged refuses or is unable to pay such judgment, it shall be lawful for the mayor, before whom such judgment is entered, to order and require such person so convicted to work on the streets or other public works until, at a fair rate of wages, such person shall have worked out the full amount of the judgment and costs of prosecution.

Fees of mayor.

Sec. 101. The mayor shall be entitled to the following fees, in cases herein enumerated, whereof he may have jurisdiction as mayor: For every warrant issued by him for the recovery of any penalty for the violation of any of the ordinances of the town or for a violation of the criminal laws of the State of which the mayor shall have final jurisdiction, fifty cents, and for every judgment rendered thereon, seventy-five cents; for every warrant issued by the mayor for violations of the criminal laws of the State, where he has not final jurisdiction, one dollar, but no fee for judgment thereon, and he shall be entitled to such other fees as are or may hereafter be prescribed by law for justices of the peace in like cases, all such fees as above to be taxed in the bill of costs; for every warrant issued to arrest individuals who have fled from other counties or States, two dollars, to be paid on removal of offender by such person as may convey him away; for the use of the town seal for other than town purposes, fifty cents; for every certificate for other than town purposes, not more than fifty cents. In view of the amount of the mayor's salary, fixed by the board of aldermen, the board may require the mayor to collect such fees and turn the same over to the town treasurer for the use and benefit of the town.

Restrictions on railroad companies.

Sec. 102. That it shall be unlawful for any railroad company to grade, build or construct, alter, change or move the location of any line of track through any part of the corporate limits of the town of Newton, or to build, erect or remove or change the location of any depot within the town of Newton, without first having obtained the unanimous consent of the Board of Aldermen and the Mayor of the Town of Newton.

Present town officers continued.

Sec. 103. That as now constituted the officers of the town shall continue in office and perform the duties of their respective offices until their successors are elected and qualified, and the persons now holding office as mayor, commissioner, and constable shall be and continue in office as mayor, alderman, and chief of police, respectively, and perform the duties of said offices until their successors are elected and qualified.

School district established.

Sec. 104. That all the territory within the corporate limits of the town of Newton as is now or shall hereafter be prescribed, and all the territory lying without the corporate limits of the town of Newton and included in the boundaries of Newton Special Tax School District, in Newton Township, Catawba County, which boundaries, at the time said district was established, were as follows: Beginning at Clark's Creek "Battle Bridge," running with widow Hose Yount's line, including said Yount's lands, to the M. S. Deal line, and running with and including said Deal land; thence along P. A. Hoyle's line, including said Hoyle's land, to Q. A. Setzer's line, including said Setzer's land; thence to and along David Isenhour's line, excluding said Isenhour; thence along

Boundaries.

Charlie Bolick's line, including his lands; thence along the McCorkle line, excluding the McCorkle lands (where Poley McRee lives), to Jeff Deal's corner; thence with his line, including said Deal, to the still-house, I. A. Yount's line; then with his line so as to exclude said Yount's land to Mac Travis' corner; then with his line, including his home place, to I. A. Yount's corner, near Travis' house; then with I. A. Yount's old Travis line, so as to exclnde his land, to George Rowe's corner; then with his line, to include said Rowe's land, to S. D. Houk's corner; then with his line, including said Houk's land, to George Rowe's corner; then with his line, so as to include said Rowe's land, to the Southern Railway, then with the said railroad and Mehaffey's line to the Moose line; then with the line between said Moose and J. T. Mehaffey and Mr. Edwards, so as to include all the land of said Edwards and Mehaffey, to the Elijah Herman line; then with the line of said Herman lands, so as to include said land, to C. S. Simmons' corner, in the public road on the west side of Southern Railway; then with his line, so as to inclnde Perry Barringer's land, Parlier's land and Elmore Rowe's land, to the Fry corner; then with W. R. Fry's and J. E. Fry's lines, so as to include their lands, to their corner near R. R. Reitzel's house; then along Reitzel's line, so as to exclude his lands, to the Hunt line; then along the Hunt line, excluding his land, to George Sigmon's corner, and runs along lines between Sigmon's, the Hildebrands' and others, excluding said Sigmon and excluding lands of P. M. Hildebrand and including the lands of A. C. Hildebrand to McMillers' corner; then along his line, so as to include his lands, to Clark's Creek; then down said creek to Self Ford, Charles Long's corner; then with his line, to include his land, to the beginning, shall be and remain and is hereby constitnted a public school district, and shall hereafter be known as the "Newton Graded School District," and that a special tax for school purposes, to-wit, thirty cents on each hnndred dollars valuation of property and ninety cents on each taxable poll, shall continue to be levied and collected annually, to the same extent and in the same manner as the said taxes are now and have been heretofore levied and collected in the Newton Special Tax School District: *Provided*, that if a majority of the registered voters of said district shall vote in favor of the issue of bonds and taxation as hereinafter provided for, then the taxes for the nse and benefit of said public schools and to pay interest shall be levied and collected, in amonnts, at times, and in the manner hereinafter provided: *Provided further*, that the boundary of said territory outside of the town of Newton shall, in case of any doubt, vagueness or omission, follow the lines of land owners, whether named or not, between any two given points, if possible, otherwise to run as near as may be with such lines, and otherwise to run in straight lines, and in any event the territory

Name of district.

Special school tax.

Rate.

Proviso: if bond issue is voted for.

Proviso: boundary.

within the town of Newton shall not be affected by any such doubt, vagueness or omission, but shall be, remain and constitute said school district or part thereof: *Provided further*, the said boundary shall be construed or amended so as to include the Southern Railway from George Rowe's lands to the said Moose lands. Proviso: boundary amended.

Sec. 105. That the special school tax election held in the Newton Special Tax School District, which includes all the territory within the town of Newton and the territory without the town as set out in the preceding section, on the ..... day of ....., one thousand nine hundred and five, under and by authority of the Public Acts of one thousand nine hundred and one, be and the same is hereby declared valid and legal in all respects. Special tax election. Validated.

Sec. 106. That George E. Coulter, W. B. Gaither, D. P. Rowe, W. F. Rader and S. D. Houk shall be and are hereby constituted trustees of the public schools of the Newton Graded School District, and shall serve until their successors are elected and qualified as herein provided. The successors of the first three named shall be elected at the election for municipal officers of the town of Newton in the year one thousand nine hundred and eight, for a term of two years, and the successors of the last two named shall be elected at the election for municipal officers of the town of Newton in the year one thousand nine hundred and nine, for a term of two years, and at the election for municipal officers of the town of Newton each year thereafter trustees shall be elected to succeed those whose terms expire: *Provided*, that any and all vacancies in the board of trustees shall be filled by the other members of said board, whether said vacancy shall occur by reason of death, resignation, failure to elect or otherwise: *Provided*, that the position of school trustee shall not constitute an office or place of trust within the meaning of article seven, section fourteen, of the Constitution of North Carolina. Trustees named. Election of successors. Proviso: vacancies. Proviso: trustee not an officer.

Sec. 107. That the said trustees named in section three and their successors shall be and are hereby constituted a body corporate, by the name and style of "Board of School Trustees of Newton," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, by gift, purchase, devise or otherwise, real and personal property, and may hold, exchange, mortgage or sell the same in any manner and to any extent the said board may deem advisable, and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal, which it may break and change at pleasure. Trustees incorporated. Corporate name. Corporate powers.

Sec. 108. That it shall be the duty of said board of school trustees to establish separate schools for the white and colored children of said school district, and they may grade the schools for either race, and shall appropriate and use the funds from special taxes and from State and county school fund in such manner as Trustees to establish schools.

may be deemed just to both races, due regard being had to difference in cost of maintaining and the requirements of said schools: *Provided*, donations and income for benefit of any special school shall be so applied.

Proviso: donations and income.

Powers of trustees.

Sec. 109. That said board of trustees shall have exclusive control of all public schools in said district, free from the supervision and control of the county school authorities; shall prescribe rules and regulations for the government of such schools, conduct of pupils, teachers and officers, and for the preservation, control and use of school property; may provide for the suspension and expulsion of pupils, who may be denied the privileges of said schools until reinstated by authority of said board of trustees; shall employ and fix the compensation of all teachers and officers of such schools; may require examination of teachers, and may dismiss teachers; shall cause to be taken, in accordance with the general school law of the State, an accurate census of the school population of said district and transmit a copy thereof to the county superintendent, and shall exercise any and all other powers they may deem necessary or advantageous for the successful control and operation of said schools, and the management of the school property in said district.

Trustees to adopt text-books.

Outside pupils.

Sec. 110. That said school trustees shall adopt the text-books for use in said schools, either those recommended by the State Board of Education or others; may admit pupils residing outside the limits of said district, or those under or over the public school age, upon such terms as said trustees may deem reasonable, and may fix rates of tuition to be charged: *Provided*, no tuition shall be charged persons between the ages of six and twenty-one years, who reside within the district, for branches required to be taught in the public schools under the general school law.

Proviso: free tuition.

Further powers of trustees.

Sec. 111. That the said trustees may erect, repair, alter and improve the school buildings and grounds, and may purchase furniture, equipments and appliances, including fixtures for heating, lighting, water supply, sewerage, etc., and may do all things they may deem advisable and for the best interests of the schools and school property in said district.

Organization.

Sec. 112. That said school trustees shall, as soon as convenient after the ratification of this act, meet and organize by electing a chairman and a secretary and treasurer. The treasurer shall give a bond in such sum as the said school trustees may require. The school authorities as at present constituted shall carry on the schools in said district until the said school trustees shall organize under this act.

Treasurer to give bond.

Present school authorities continued.

School funds paid over to treasurer of trustees.

Sec. 113. That, as soon as the said school trustees shall have organized and the treasurer of said board of trustees shall have given an approved bond, the Treasurer of Catawba County shall pay over to the treasurer of said board all school funds then in

his hands and belonging to the Newton Special Tax [School] District or the Newton Graded School District, and shall in like manner pay over all such funds that shall thereafter come into his hands for the use and benefit of said district.

Taxes paid over to treasurer of trustees.

Sec. 114. That all taxes levied and collected in said district, for the use and benefit of said schools, under the authority of the general school law or under authority of this act, shall be paid over to the treasurer of said board of trustees by the sheriff or other tax collector, provided for in this act, for the benefit of the public schools in said district.

Apportionment from general school fund.

Sec. 115. That, in the apportionment of the public school funds derived from the State and from the county of Catawba, the County Board of Education of Catawba County, or others having authority under the general school law of the State, shall determine the amount to be apportioned each year to the public schools of the Newton Graded School District by dividing the whole amount of county school funds, first deducting the county treasurer's commission or part of salary to be paid out of said funds, and also the amount reserved by the county board of education for office expenses, salary of county superintendent of education, and for per diem and mileage of members of said board of education, by the total number of children of school age in Catawba County, as determined by the last school census preceding such apportionment, and then multiplying the quotient so obtained by the total number of children of school age within the said Newton Graded School District, as determined by the last school census preceding such apportionment, and the amount so ascertained and determined shall be paid by the county treasurer to the treasurer of said board of trustees, to be used for the benefit of the schools of said district, under the control and direction of said board of trustees.

Title to school property to vest in trustees.

Sec. 116. That all the property, both real and personal, of the public school districts embraced within the limits of said graded school district shall become the property of the Newton Graded School District, and the title thereto shall vest in the "Board of School Trustees of Newton," and all real estate belonging to the public schools in said limits shall be conveyed to said board of trustees, subject to the provisions of this act; and said board of trustees may, in their discretion, sell any of said property, real or personal, and apply the proceeds as they may deem best for the schools and school property of said district.

Balance to be paid to treasurer of trustees.

Sec. 117. That the County Board of Education of Catawba County is authorized and directed to pay to the treasurer of the said board of trustees of said district, out of the county school funds coming under their control, any balance theretofore apportioned to the schools in Newton Special Tax School District or appropriated to said district for building or other expenses, which

has not been paid to, or drawn from the county treasurer by, said special tax district, and such apportionment and appropriation by the county board of education are declared to be valid and legal in all respects.

School district part of town for certain purposes.

Sec. 118. That for the purpose of the levy and collection of school taxes, assessment of property therefor, election for school bonds and taxes, elections for school trustees, and in all other matters affecting the public schools in the Newton Graded School District, that portion of said graded school district lying outside of the corporation limits of the town of Newton is deemed, and is hereby constituted, a part of the town of Newton, and for all the said purposes the provisions of all laws now in force or that shall hereafter be enacted relating to or affecting the public schools in said district or governing the assessment of real and personal property, the levy and collection of municipal taxes and the holding of municipal elections in the town of Newton, shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town as fully as if the same lay within the said corporate limits.

Election to be ordered.

Sec. 119. The Board of Aldermen of the Town of Newton shall, within thirty days after the ratification of this act, either at a regular meeting of the board or at a special meeting thereof, order an election to be held in said town (including the entire school district) within forty days next after the date of said order, at which election shall be submitted to the qualified voters of said territory the question of issuing bonds in the sum of not exceeding fifteen thousand dollars ($15,000), to be known as school bonds.

Question to be submitted.

Notice of election.

Said board of aldermen shall give notice of said election, for twenty days before said election is held, by publication in some newspaper published in the town of Newton, or by posting a notice thereof at the court-house door.

New registration.

There shall be a new registration of voters for this election, and only those who register for this election shall be deemed qualified voters in said election.

Registrar and judges of election.

Sec. 120. That for the purpose of holding said election the aldermen of Newton (at the time said election is ordered) shall appoint one registrar and two judges of election: *Provided*, any

Proviso: vacancies.

vacancy may be filled by the aldermen or the other election officers: *Provided further*, any registrar or judge of election appointed by said aldermen may hold said election together with

Proviso: registrar and judge to hold other elections.

Proviso: new registration.

any other election for the town of Newton: *Provided*, if a new registration of voters shall be ordered for any other election in the town of Newton at the same time, one registration shall be sufficient for both, but a separate registration book shall be made, containing the names of all qualified voters residing within the school district, on which shall be registered those living outside

Separate poll books and boxes.

the corporate limits of the town. A separate poll book shall be kept and the votes shall be deposited in a separate box. The reg-

istrar and judges shall make separate returns of said election, in duplicate, one to the board of aldermen of Newton, and one to the Register of Deeds for Catawba County, certifying the number of qualified voters registered for said election, the number of votes cast for and the number cast against said bond issue, and they shall declare the result of said election. Returns in duplicate.

Sec. 121. Except as otherwise provided herein, the registration and qualification of voters, the manner of holding the election, and all other matters pertaining to the election for school bonds shall be governed in all respects as is or shall be provided by law for elections for Mayor and Aldermen of the Town of Newton. Law governing election.

Sec. 122. Those who favor the issue of bonds and the levy of taxes herein provided for shall vote a ballot on which shall be written or printed the words, "For School Bonds," and those opposed to the issue of bonds and levy of taxes shall vote a ballot on which shall be written or printed the words, "Against School Bonds." If at said election the voters fail to authorize said issue of bonds and levy of taxes, the board of aldermen shall call an election for the same purpose, at any time or times thereafter, when requested to do so by the said board of trustees. Form of ballots. Successive elections.

Sec. 123. Whenever a majority of the qualified voters of the town of Newton shall vote in favor of school bonds and taxes, then the Board of Aldermen of the Town of Newton shall issue, from time to time, as shall be requested in writing by the board of school trustees of Newton, coupon bonds of the town of Newton, not exceeding in the aggregate the sum of fifteen thousand dollars ($15,000). Said bonds shall be issued in denominations of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), and shall run for a term of thirty years, all of which shall bear interest at the rate of five (5) per cent. per annum, payable semi-annually, and all of said bonds and interest coupons shall be due and payable on and after maturity, and upon demand, at the office of the Treasurer of the Town of Newton, and shall be dated at such time or times as shall be designated by said board of trustes. Said bonds shall be signed by the mayor of said town of Newton, and attested by the clerk, and shall have the corporate seal of said town affixed thereto. The interest coupons shall be signed by the mayor only. When any of said bonds shall have been issued by said board of aldermen of Newton they shall be turned over to the said board of school trustees, and said trustees shall dispose of the same for the best price obtainable; however, no bonds shall be sold for less than the par value thereof. Said bonds shall be exempt from taxation for municipal and school purposes, and the proceeds from sale of said bonds shall be applied first to the discharge of debts incurred in the erection and furnishing of a school building in the town of Newton, the title to which now vests in W. B. Gaither, trustee, to Bonds to be issued. Amount. Denominations. Interest. How bonds and coupons attested. Bonds turned over to trustees. To be sold at not less than par. Exempt from town and school taxation. Application of proceeds.

secure those who furnished funds, or became liable therefor, to erect and furnish the same, the balance to be applied to payment of any other indebtedness of said school district, and to build, complete and furnish school buildings, or for other school purposes, as may be determined by said trustees: *Provided*, any money furnished to said district by the county board of education shall not be repaid, but the same shall be deemed a gift to said district.

Special tax.

Sec. 124. If a majority of the qualified voters shall vote for school bonds, then the board of aldermen of Newton shall at the time of levying municipal taxes next after such election, and annually thereafter, levy a tax on all persons and property subject to taxation, within the limits of said graded school district, of thirty cents on the one hundred dollars ($100) assessed valuation of property and ninety cents on each taxable poll, for the purpose of paying interest on school bonds (which shall be paid to the town treasurer), and the balance to be used by the board of trustees for the benefit of the public schools in said district, and any part thereof may be set apart and invested as a fund to pay said bonds at maturity, and the said aldermen shall levy a tax in addition to the tax herein authorized sufficient to pay said bonds at maturity.

Rate.

Collection of tax.

Sec. 125. The Tax Collector of the Town of Newton shall collect the taxes levied under the preceding section and pay the same over to the treasurer of said board of trustees, retaining such commission as may be fixed by the board of trustees.

Lists for school tax.

Sec. 126. For purposes of taxation for benefit of schools, property and polls shall be listed, assessed and valued under the same laws as provided for municipal purposes: *Provided*, the assessors and list-takers appointed by the county commissioners or other authorities to list or assess the property and polls in Newton Township for county and State taxation shall ascertain and designate on the tax list the property and polls subject to taxation for school purposes in said school district, and it shall be legal and binding for the tax-lister for said district to copy the same on the tax list for said school district: *Provided*, on failure of the voters to authorize the issue of school bonds, as herein provided, taxes shall be levied, listed and collected as heretofore in said district, and by the same officers.

Proviso: copy of county tax list.

Proviso: tax if bonds not issued.

Construction of act.

Sec. 127. That the words "Commissioners," or "Board of Commissioners," "Aldermen," or "Board of Aldermen," shall be construed to mean the governing body of the town of Newton, whether designated by that name or any other name.

Law not repealed unless specifically referred to.

Sec. 128. That no part of this act relating to schools in said district shall be repealed or amended by any general law, unless the said law shall specifically designate this act and the section thereof to be repealed or amended.

Sec. 129. That at any time the "Board of School Trustees of Newton" may, by a majority vote, declare that the boundaries of the Newton Graded School District shall be the same as the boundaries of the town of Newton, and upon their request the board of aldermen of Newton shall submit to the qualified voters of said district, at the next succeeding election for mayor and aldermen, the question of change of limits of said district, at which election those favoring the proposed change shall vote a ballot, "For Change of Limits," and those opposed shall vote a ballot, "Against Change of Limits," and if a majority of the votes cast be "For Change of Limits," then and from that time the said Newton Graded School District shall include all the territory within the corporate limits of the town of Newton as shall at that time, or shall thereafter, be prescribed, and any territory outside of the corporate limits of the town, now a part of said district, shall cease to be a part of said district unless and until the corporate limits of said town shall be extended so as to include the same. The result of said election shall be certified to the board of school trustees and to the board of aldermen, and the said trustees shall certify the same to the county board of education.

Change of school district.

Election.

Form of ballots.

Sec. 130. That for the election mentioned in the preceding section, and for the election of school trustees, the provisions for the registration of voters and the holding the election shall be the same, as near as may be, as is provided for the election for school bonds: *Provided*, a new registration shall not be necessary.

Law governing election.

Proviso: new registration not necessary.

Sec. 131. That all laws or parts of laws in conflict with this act are hereby repealed, so far as the same applies to the Newton Graded School District.

Repeal of laws affecting school district.

Sec. 132. That all laws or clauses of laws now constituting the charter of the town of Newton, except acts relating to the issue of bonds and the act of the General Assembly authorizing a subscription to the capital stock of the Chester and Lenoir Narrow Gauge Railroad, and all laws and clauses of laws of a public and general nature in conflict with this act, are hereby repealed, so far only as they may affect the town of Newton: *Provided, however*, such repeal shall not affect any act done, or any right accruing or accrued or established, or any suit or action commenced before the time for such repeal to take effect; nor shall any property, estate, rights, duty or obligation possessed by or due to the town, under its present name or any other, from any person or corporation whatever, be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed, in the name and for the use and benefit of the town of Newton: *Provided further*, that no offense committed, no penalties or forfeitures incurred, and no suit or prosecution pending for any offense committed or any forfeiture or penalties incurred, under any of the acts or ordinances hereby repealed shall be affected

Repeal of laws affecting town.

Proviso: effect of repeal.

Proviso: existing rights not affected.

Proviso: acts heretofore repealed not revived. Proviso: general municipal law to apply to town.

by the repeal: *Provided further*, that no act heretofore repealed shall be revived by this act: *Provided further*, that all powers, rights and privileges granted to towns and cities, or that shall hereafter be granted to them, or to the authorities thereof, and not in conflict with this act, by the laws of this State shall be deemed conferred upon the town of Newton, and shall be exercised by the proper authorities thereof.

Secretary of State to furnish copy of act.

Sec. 133. That the Secretary of State shall furnish to the Mayor of the Town of Newton a certified copy of this act within five days after its ratification.

Sec. 134. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1907.

CHAPTER 40.

AN ACT TO AMEND CHAPTER 245 OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA AT THE SESSION OF 1903, AND RATIFIED ON THE 4TH DAY OF MARCH, 1903, ENTITLED "AN ACT TO INCORPORATE THE WASHINGTON AND VANDEMERE RAILWAY COMPANY."

The General Assembly of North Carolina do enact:

Charter re-enacted.

Section 1. That all the rights, powers and privileges conferred by the General Assembly of North Carolina by an act ratified on the fourth day of March, one thousand nine hundred and three, and being chapter two hundred and forty-five of the printed Private Laws of the session of one thousand nine hundred and three, entitled "An act to incorporate the Washington and Vandemere Railway Company," whereby the "Washington and Vandemere Railroad Company" was created and declared to be a body politic and corporate, are hereby re-enacted with the same force and effect as if the language of the said act was herein repeated, and the said corporation, the "Washington and Vandemere Railroad Company," is hereby re-created and declared to be a body politic and corporate, with the same rights, powers and privileges hereafter as were contained in the said act ratified March the fourth, one thousand nine hundred and three, except as the same may be hereinafter modified or amended.

Time for beginning and construction of work extended.

Sec. 2. That the time within which the said company shall begin the construction of its railroad and complete the same, as provided in section two thousand five hundred and sixty-four of the Revisal of one thousand nine hundred and five, is hereby extended so that the said company may begin the construction of its road within ninety days after the ratification of this act, and shall complete the main line of the same and put it in operation within

three years from the ratification of this act, and may construct and put in operation its branch roads, or any of them, at any time hereafter.

Election and term of president.

Sec. 3. That section seven of said act is hereby amended by striking out from the same the words beginning with the words "The president of the company," and ending with the words, "assume their duties," and inserting in lieu thereof the following words: "The president of the company shall be annually elected by the directors, and shall hold his office until his successor shall be elected and qualified; and the board of directors shall have power to elect all the other officers of said company."

Amount of bond issue.

Sec. 4. That section seventeen of said act be and the same is hereby amended by inserting after the word "bonds," and before the word "in," in the second line thereof, the following words: "in such amount or amounts and."

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1907.

CHAPTER 41.

AN ACT TO AMEND SECTION 2, CHAPTER 248, PRIVATE LAWS OF 1905, ENLARGING THE BOUNDARIES OF THE TOWN OF HIGHLAND, CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That section two, chapter two hundred and forty-eight, of the Private Laws of North Carolina, session one thousand nine hundred and five, be stricken out and the following inserted in lieu thereof, as section two: "That the corporate limits of said town shall be determined by closing in lines beginning at the corporation post in the corporation lines of Hickory, near Lenoir College, in Catawba County, and runs thence northwestward along the Hickory corporation line one-half mile; then north thirty-seven east to a stake, the southwest corner of Langdon Bowman's lot; then north forty-four and one-half east, taking in Lawrence Yount's residence; then south eighty-one east, taking in Peter Hunt's residence; then south fifty-one east to the northeast corner of T. F. Bolch's lot; then south twenty-four west to southeast corner of Herbert Fry's lot; then south seventy-three and one-half west to S. Y. May's residence in Hickory corporation line; then with Hickory's corporation line to the beginning."

Sec. 2. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1907.

CHAPTER 42.

AN ACT TO CHANGE THE NAME OF THE TOWN OF ASHPOLE, IN ROBESON COUNTY, TO FAIRMONT.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-two (82), Private Laws of the General Assembly of North Carolina of one thousand nine hundred and one, be and the same is hereby amended as follows, to-wit: Strike out the word "Ashpole," wherever used in said chapter and insert in lieu thereof the word "Fairmont."

Fairmont inserted.

Name changed.

Sec. 2. That the name of the town of Ashpole, in Robeson County, is hereby changed and shall hereafter be known as "Fairmont."

Charter to apply to town under new name.

Sec. 3. That the act incorporating the town of Ashpole, together with all acts amendatory or supplementary thereto, shall apply to the town of Fairmont.

Sec. 4. That all laws in conflict with this act are hereby repealed.

Sec. 5. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1907.

CHAPTER 43.

AN ACT TO ABOLISH THE WATER AND LIGHT COMMISSION FOR THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Laws applying to water and light commission repealed.

Section 1. That sections two, three, four, five, six, seven, eight of chapter forty-one (41), Private Laws of one thousand nine hundred and three, be and are hereby repealed.

Water, light and sewerage systems controlled by aldermen.

Sec. 2. That the water, light and sewerage plants and systems of the city of New Bern shall hereafter be administered and controlled by the Board of Aldermen of the City of New Bern, through such agents and employees as they shall elect under the laws enforced before the enactment of chapter forty-one of Private Laws of one thousand nine hundred and three.

Repeal not to affect existing contracts.

Sec. 3. That the foregoing repeal shall not affect any of the contracts due by or to the Water and Light Commission of the City of New Bern, but all such contracts and duties shall fall upon the said board of aldermen, and all rights and contracts shall subsist to the said board of aldermen in the same manner as they now exist.

Sec. 4. That as soon as practical the water and light commission shall make a complete statement of their debts and of all debts due to them, and shall render the same to the board of aldermen. Water and light commission to render statement.

Sec. 5. That it shall be the duty of the board of aldermen to pay off and discharge all the debts and obligations of the said water and light commission, the same having been incurred in the improvement, extension and operation of the said systems. And for this purpose they are hereby authorized and empowered to issue the bonds of the city of New Bern in such sums as shall be required, not exceeding twenty thousand dollars ($20,000), which said bonds shall draw interest payable semi-annually at a rate not to exceed five per cent., and to mature in not less than ten nor more than fifty years. The said bonds may be issued directly in payment of the said debts or may be sold at not less than their face value for cash to be applied to discharge of said debts. And the said board of aldermen shall be empowered as security for the payment of the interest and principal of said bonds to pledge the income from the operation of the said plants. And if thereafter the said system shall be sold, that the said bonds shall be paid out of the proceeds of the sale. Debts of water and light commission to be paid. Bond issue authorized. Amount. Interest. Security for bonds.

Sec. 6. And for the purpose of making repairs and replacing worn-out machinery the said board of aldermen are empowered to issue bonds of the same character as described in the foregoing section in a sum not exceeding ten thousand dollars ($10,000). Bonds for repairs. Amount.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 44.

AN ACT TO INCORPORATE THE TOWN OF GARLAND, IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Garland, in the county of Sampson, be and the same is hereby incorporated under the name and style of "Garland." Town incorporated. Corporate name.

Sec. 2. That the corporate limits of said town shall be as follows: The "Clear Post" on the west end of the railroad siding in said town shall be the center of the territory hereby incorporated, and the corporate limits shall extend one-half mile in every direction from this central point. Corporate limits.

Town officers.

Sec. 3. The officers of the town of Garland shall consist of a mayor, a board of five commissioners, a town constable, and a

Town elections.

treasurer, and said officers shall be elected by the qualified voters residing in the territory hereby incorporated on the first Tuesday in May, one thousand nine hundred and seven, and annually thereafter. They shall have all the power and authority vested in such officers by the laws regulating the cities and towns of North Carolina.

First officers named.

Sec. 4. That until such officers are elected, as provided for in the preceding section, the following named persons shall fill said offices until their successors are named and qualified, namely: Mayor, J. D. Johnson; commissioners, T. L. Bennett, E. C. Herring, E. N. Johnson, J. Z. Rich, K. A. Robinson; constable, W. M. Blackburn; treasurer, E. C. Herring.

Town taxes.

Sec. 5. That the board of commissioners of said town are hereby authorized and empowered to levy a tax each year upon all of the polls and taxable property within the corporate limits of said

Rate.

town, not to exceed a rate of fifty cents on the one hundred dollars valuation of property, and one dollar and fifty cents on the polls; the rate to be fixed each year by the commissioners so as to provide a sufficient sum to run the town government, and for such other purposes as may be needed for the government and the improvement of said town.

Regulations and ordinances.

Sec. 6. That the commissioners of said town shall have the power to make all necessary laws, rules and regulations and ordinances for the good government of said town, and not inconsistent with the Constitution and the laws of the State of North Carolina, and of the United States, and to impose fines and penalties for the violation of such laws, rules, regulations and ordinances, and collect the same.

Election law.

Sec. 7. That the election provided for in section three of this act shall be held under the laws prescribed for the election of officers for cities and towns in North Carolina.

Sec. 8. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 45.

AN ACT TO INCORPORATE MARLBORO GRADED SCHOOL DISTRICT, IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Boundaries of district.

Section 1. That all the territory embraced within the following described boundary, to-wit: Beginning at T. C. Spencer's corner in the east line of E. E. Spencer; thence north to road leading

out from E. E. Spencer's house to public road running with C. S. Spencer's line; thence in an easterly direction with said road to said public road; thence in a northerly direction with said public road to A. G. Frazier's line; thence east with said Frazier's line to B. F. Ridge and the Ragan heirs' corner; thence in an easterly direction with the southern boundary of the Ragan heirs' line to J. T. Spencer's corner; thence east with south line to Ruth Davis' line; thence with said Ruth Davis' line around southern boundary to H. H. Beeson's line; thence east on H. H. Beeson's line to R. L. Davis' line; thence east on R. L. Davis' line to D. S. Davis' line; thence south on D. S. Davis' line to Thomas Coltrane's line; thence east on Thomas Coltrane's north line to E. Swain's line; thence south on E. Swain's line to H. Fentress' line; thence south on H. Fentress' line to Hoover Road; thence along said public road, crossing the railroad at the fourteenth mile-post, to Frank Snider's line; thence in a southwesterly direction, bounding on Clark Snider's line, to Back Creek Township line; thence west with said township line to the southwest corner of district (old survey); thence in a northerly direction along Caraway School District line, bounding on Sydney Davis' east line, T. E. Farlow's west line, Eliza Fox's east line, Davis' and Osborne's west line, J. R. Wall's west line, Alvis Vuncanon's east line; thence on T. O. Spencer's line to the beginning, be and the same is hereby incorporated under the name and style of "Marlboro Graded School District for White Children."

District incorporated.
Corporate name.

Sec. 2. That the special school tax election held within the above described boundary or district on the fifteenth of May, one thousand nine hundred and six, under and by the authority of section twenty-four, chapter four hundred and thirty-five, Acts of one thousand nine hundred and three, Public Laws of North Carolina, as amended by section fourteen, chapter five hundred and thirty-three, Acts of one thousand nine hundred and five, be and the same is hereby declared valid and legal in all respects.

Election validated.

Sec. 3. That on the first Monday in July, one thousand nine hundred and seven, the County Board of Education of Randolph County shall appoint five trustees for said school district, one of whom shall serve one year, one two years, one three years, one four years and one five years. All vacancies in said board of trustees, whether arising from death, resignation, removal, expiration of term of office, or otherwise, shall be filled by the county board of education, and the person so elected shall serve for a term of five years, unless such appointment shall be made to fill out an unexpired term.

Trustees to be appointed.
Terms of office.
Vacancies.

Sec. 4. That the trustees, as provided for in section three of this act, shall have sole and exclusive charge of the public school in said territory. They shall organize by the election of a chairman and secretary, and the adoption of such by-laws as they may deem proper. Said board of trustees shall spend all moneys for said

Trustees to have charge of school.
Organization.
Powers and duties of trustees.

school district for the exclusive use of the school and in providing buildings and equipment for same; they shall have power to employ teachers and fix their compensation; they shall have the right and power to buy, sell, take and hold all property, both real and personal, necessary for the use of said school. Should parents or other parties, having charge of children of school age outside of said territory, desire to send to the school in said territory, then the said trustees shall have the right to permit them so to do upon such terms as they or a majority of them may think best: *Provided*, that no child residing outside of said territory shall be admitted to the school for less than one dollar per month for first grade and twenty-five cents additional for each successive grade. They shall make or cause to be made to the county superintendent, the State Superintendent, or other officials, all reports of said school and its work required by the public school law of the State.

Pupils from outside of district.

Proviso: charge for non-resident pupils.

Reports.

Special tax.

Sec. 5. The Board of County Commissioners of Randolph County shall, at the time for levying county taxes, levy thirty cents on each one hundred dollars valuation of property and ninety cents on each poll in said district, in accordance with this act, and the Sheriff of Randolph County shall collect said tax and pay it over to the treasurer of said district hereinafter provided, and for the collection of said tax the sheriff shall receive five per cent. commission one way.

Sheriff's commissions.

Treasurer to be elected.

Treasurer to give bond.

Sec. 6. That said board of trustees shall, as soon as organized, elect a treasurer for said school district, and shall require him to give a justified bond, which bond shall be for an amount not less than the total amount of moneys to the credit of said school district for the school year previous to this election, said bond to be approved by the County Commissioners of Randolph County and filed in the office of the register of deeds. The trustees, or the county commissioners, may require said treasurer to increase said bond to an amount double the amount of school moneys to the credit of said school district for the previous year, if in their judgment they shall think best. The treasurer shall pay out the funds of said school district only upon an order signed by the chairman and secretary of the board of trustees, and he shall keep an accurate account of all orders so paid in a book to be furnished him by the trustees. The trustees shall examine the treasurer's books on the last Monday in June, September, December and March, and report in writing to the county board of education on the following day, giving the amount of receipts, disbursements and the amount on hand. The commission of said treasurer shall be fixed by the trustees and shall in no case exceed one per centum of disbursements.

School orders.

Trustees to examine books.

Commissions of treasurer.

County treasurer to pay over funds.

Sec. 7. That the Treasurer of Randolph County shall pay over to the treasurer of Marlboro Graded School District all funds coming into his hands for said district, and it shall be the duty

of the trustees to certify the name of the treasurer of said district to the said county treasurer on the first Monday of July and January of each year, and until the county treasurer shall receive such certificate from said trustees he shall not pay over any money to said school district.

Sec. 8. In all matters not regulated by this act said school shall be governed by the general school law of North Carolina, and shall be under the supervision and control of the county board of education and the county superintendent of schools. General law operative.

Sec. 9. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed. Laws repealed.

Sec. 10. That this act shall be in force from and after the first Monday in July, one thousand nine hundred and seven. When act effective.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 46.

AN ACT TO AMEND CHAPTER 287 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1895.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter two hundred and eighty-seven of the Private Laws of North Carolina, session one thousand eight hundred and ninety-five, be and the same is hereby repealed. Corporate limits of Berryville.

Sec. 2. That as a substitute for and in lieu of said section two of said chapter two hundred and eighty-seven the following shall be inserted as section two of said chapter two hundred and eighty-seven, viz: "That the corporate limits of said town shall be as follows: Beginning at a stake in the center of the Southern Railway, at a point where the Hickory corporation line crosses said railroad west of the depot, and runs north with said Hickory corporation line eight hundred and eighty yards to a stake in said line; then due north four hundred and forty yards to a stake; then west one thousand three hundred and twenty yards to a stake; then south two thousand two hundred yards, crossing said railroad, to a stake with the same degrees and circle as the east boundary line; then east one thousand three hundred and twenty yards to a stake in the Hickory corporation line; then north with the Hickory corporation line eight hundred and eighty yards to the beginning." New corporate limits.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 47.

AN ACT TO ESTABLISH A NEW SCHOOL DISTRICT IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Boundaries established.

Section 1. That the County Board of Education of Watauga County are hereby authorized and empowered to establish a new school district in Watauga County, to be bounded as follows: Beginning at Frank Edmonston's residence, and running thence north to Benjamin Edmonston's; thence east to the top of Yarneld Knob; thence southeast to Walter Triplett's; thence south to William Green's; thence southwest to John Ashley's; thence west to Hiram Weaver's; thence to the beginning.

Board of education to number district and apportion funds.

Sec. 2. That the Board of Education of Watauga County shall number said district and apportion to the children of said district their proportionate share of the school fund of Watauga County.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 48.

AN ACT TO AMEND CHAPTER 285, PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

Grove Academy given power to dispose of property and issue stock.

Section 1. That chapter two hundred and eighty-five of the Private Laws of North Carolina, session one thousand nine hundred and five, be and the same is hereby amended by adding to the end of the first section thereof the following words, to-wit: "The said corporation shall also have power to convey, mortgage and dispose of any property, real or personal, belonging to it, and to issue certificates of stock to an amount not exceeding ten thousand dollars, in such denominations and at such times as the above-named incorporators or their successors may determine."

Sec. 2. That all laws and clauses of laws inconsistent herewith are repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 49.

AN ACT TO AMEND CHAPTER 86 OF THE PUBLIC LAWS OF 1887, ENTITLED "AN ACT RELATING TO THE PUBLIC SCHOOLS IN THE TOWN OF DURHAM."

The General Assembly of North Carolina do enact:

Salary of treasurer.

Section 1. That all of section eight of chapter eighty-six of the Public Laws of one thousand eight hundred and eighty-seven after the word "compensation," in line six (6) thereof, be stricken out and the following be inserted in lieu thereof, to-wit: "for all of his services under this act such salary as said Board of Education of the City of Durham may determine proper."

When act effective.

Sec. 2. That this act shall be in force from and after the seventh day of May, one thousand nine hundred and seven.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 50.

AN ACT FOR THE RELIEF OF MISS MATTIE POTILLO AND MRS. MATTIE JENNINGS, OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Miss Mattie Potillo to be paid amount due for teaching school.

Section 1. That the Treasurer of Caswell County is hereby authorized and directed to pay to Miss Mattie Potillo the sum of twelve dollars and thirty cents out of the school funds now in his hands, or that may come into his hands, to the credit of district number five, for the white race, in Anderson Township, in said county, the said sum being due her as balance for teaching in said district in the year one thousand nine hundred and six.

Mrs. Mattie Jennings to be paid amount due for teaching school.

Sec. 2. That the said Treasurer of Caswell County is likewise authorized and directed to pay to Mrs. Mattie Jennings the sum of thirty-one dollars and seventeen cents out of the school funds now in his hands, or that may come into his hands, to the credit of district number eighteen, for the white race, in Leasburg Township, in said county, the said sum being balance due her for teaching in said district in the year one thousand nine hundred and six.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 51.

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF GRANVILLE COUNTY TO ESTABLISH A SPECIAL SCHOOL DISTRICT IN OAK HILL TOWNSHIP.

Preamble.

Whereas, there are some thirty or thirty-five white children of school age in Oak Hill Township, Granville County, who cannot reach any public school in the county because of the fact that there are several dangerous creeks between the locality in which said children reside and the public schools as now located; and whereas, there exists a necessity for the establishment in said township of a special school district, with less than sixty-five white children of school age therein, in order that the children living between said creeks may have the benefits of the public schools; and whereas, the County Board of Education of Granville County recommends the establishment of a special school district in said township,

The General Assembly of North Carolina do enact:

Special district authorized.

Section 1. That the County Board of Education of Granville County be and it is hereby authorized to establish a special school district in Oak Hill Township, for the white race, with less than sixty-five white children of school age therein, the boundaries of the said special school district to be fixed by the said county board of education, so that the school therein shall be located and taught not more than one mile from Evans' store, in said township.

Location of schoolhouse.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 52.

AN ACT TO AMEND THE CHARTER OF THE NEW BERN GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

School board incorporated.

Section 1. The school board heretofore created (Laws of one thousand eight hundred and ninety-nine, chapter five hundred and forty-seven) shall be a body corporate, by the name and style of "The Board of Trustees of the New Bern Graded Schools," New Bern, N. C., and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for and against the corporation heretofore created. Conveyances to said school board shall be to

Corporate name.

Corporate powers.

them and their successors in office, and all deeds, mortgages and other agreements shall be deemed sufficiently executed when signed by the president and attested by the secretary thereof.

School funds to be paid to treasurer.

Sec. 2. All special city school taxes and all public school funds derived from the State and county for the use and benefit of said schools shall be paid to the treasurer of the said Board of Trustees of the New Bern Graded Schools for the use and benefit of said graded school; in all apportionments of such State and county school funds there shall be apportioned to the New Bern graded schools such sum of money as will be produced by dividing the whole to be apportioned in the county of Craven by the total number of children of school age in the said county and then multiplying the result by the number of children of school age in the city of New Bern.

Apportionment of school funds.

Powers of trustees.

Sec. 3. The said board of trustees shall have entire and exclusive control of the said graded schools in the city of New Bern; shall prescribe rules and regulations for the government of the same; shall employ, prescribe the qualification and fix the compensation of all officers and teachers in the said graded school; shall arrange a proper course of study and shall exercise such other powers as shall be necessary for the proper control and operation of the said schools.

School buildings.

Sec. 4. The said board of trustees may at any time use, for the purpose of erecting buildings for the said graded schools, or repairing the same, any surplus funds which may be on hand over and above that required for the running of the said graded schools for the usual term.

School property to vest in board.

Sec. 5. The school property situated in the city of New Bern, the title of which has heretofore vested in the school committee of township number eight, or in the Board of Education of Craven County, shall by this act vest in the said Board of Trustees of the New Bern Graded Schools, in trust for said school purposes.

Sec. 6. That this act shall only apply to Craven County, and shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 53.

AN ACT TO INCORPORATE THE TOWN OF CLARENDON, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Clarendon, in Columbus County, North Carolina, be and the same is hereby incorporated by the name and style of the "Town of Clarendon," and shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate name.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be known and designated and defined as follows, to-wit: Beginning on a pine southeast of D. S. Nealy's house and running north thirteen degrees east eighty chains to a stake on the north side of Gum Swamp; thence north seventy-seven degrees west eighty chains to a stake; thence south thirteen degrees west eighty chains to a stake; thence south seventy-seven degrees east eighty chains to the beginning.

Officers.

Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and seven, or until their successors are elected and qualified: Mayor, J. D. Frink; commissioners, W. N. Barden, J. J. Hughes, L. C. Harper; marshal, J. W. Joyner, Jr. It shall be the duty of the officers named in this section to meet within twenty days after the ratification of this act and organize, after being duly sworn by some one authorized to administer oaths in Columbus County.

First officers named.

Town elections.

Sec. 4. That there shall be an election for the officers named in this act on Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, to be held under the same rules and restrictions as are prescribed for holding municipal elections by law, and all citizens who are entitled to vote under the general election law of North Carolina, and who reside within the corporate limits of the town of Clarendon, North Carolina, as set out in section two (2) of this act, shall be entitled to vote at said election.

Officers to qualify.

Secretary and treasurer.

By-laws, rules and regulations.

Sec. 5. That it shall be the duty of officers elected under this act to qualify after ten days. After their election the commissioners may appoint a secretary and treasurer, if they deem it proper, and they shall have the power to pass such by-laws, rules and regulations as they think necessary for the good government of the said town of Clarendon, not inconsistent with the laws of the State, or the United States.

Bond of marshal.

Duties of marshal.

Sec. 6. That the marshal shall be bound in the sum of two hundred dollars ($200) to faithfully discharge his duty; he shall collect all taxes levied by the commissioners and all fines and penalties imposed by the mayor for violation of town ordinances, make all arrests and enforce all ordinances; and his pay shall be such as the sheriffs and constables of the State receive for such services, and such other compensation as the commissioners may allow him.

Duties of mayor.

Jurisdiction.

Sec. 7. That the mayor shall preside at the meetings of the commissioners, but shall not vote except in case of a tie. He shall have jurisdiction to hear and determine all offenses or violations of ordinances of the town of Clarendon, on the sworn complaint of any person, or when such offenses come under his knowledge, and he shall have power to commit any person violating any ordi-

nance of said town to the calaboose, or to assign such person to work on the streets, but in no case shall the punishment exceed a fine of fifty dollars, or imprisonment, or labor, for more than thirty days, in his discretion. The fees of the mayor shall be the same as those of the justice of the peace. Fees.

Sec. 8. That it shall be unlawful for any person or persons to manufacture, sell or give away, or dispose of, directly or indirectly, any spirituous liquors, extracts, mixtures or intoxicating drinks of any kind, for reward or hope of reward, within the corporate limits of the town of Clarendon, and if any person shall violate the provisions of this act he shall be guilty of a misdemeanor, and upon conviction thereof before the mayor, or any justice of the peace in Columbus County, shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned or worked on the streets of said town not less than fifteen nor more than thirty days for each offense. Prohibition.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 54.

AN ACT TO AMEND CHAPTER 351, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1905, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN LAKE LANDING TOWNSHIP, HYDE COUNTY, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter three hundred and fifty-one, Private Laws of North Carolina, session of one thousand nine hundred and five, be amended by adding thereto the following words: "Person or persons, owning real estate adjoining said district, and living upon said lands, or having tenants or servants or employees living upon said lands, and desiring to obtain for themselves, their tenants, servants and employees living upon said property the advantages of graded schools in said district, may make written application to the board of graded school trustees of Lake Landing, describing the property they desire added to the limits of said district, and offering to allow said property to be made a part of said district and subject to the taxes and regulations prescribed in chapter three hundred and fifty-one, Private Laws of North Carolina, session one thousand nine hundred and five; and said board of graded school trustees may hear and pass upon said application, and if a majority of said trustees, at any legal meeting of said board, a quorum of said board being present, Application for extension of school district. Trustees to hear and pass on application.

Addition.

shall vote to add said property to the limits of said district, and such property shall be so added, a record of same shall be entered on the minutes or records of said board; and thereafter said property so added to the limits of said district, and the persons living on said property, shall be subject to the taxes provided for and regulations prescribed by said chapter three hundred and fifty-one of Private Laws of North Carolina, session of one thousand nine hundred and five, and the persons living upon said property shall be entitled to all the advantages of the graded schools in said district."

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 55.

AN ACT TO AMEND CHAPTER 193, PRIVATE LAWS OF 1903, TO INCORPORATE DELL SCHOOL, AT DELWAY, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and ninety-three, Private Laws one thousand nine hundred and three, entitled "An act to incorporate Dell School, at Delway, in Sampson County," be and the same is hereby amended so that section one shall read: "That

Corporators.

E. D. Allen, A. R. Herring, W. J. Fryar, T. L. Brown, J. M. Alderman, L. W. Alderman, Thad. Jones, W. G. Smith, L. Middleton, J. A. Stevens, F. P. Powers, Maury Ward, O. P. Middleton, S. M. Carlton, L. C. Carlton, J. C. Williams, J. F. Williams, C. M. Rock, D. L. Herring, C. E. Daniel, J. R. Peterson, H. M. Swinson and W. H. Murray, and such others as may be associated with them, and their successors in office, all of whom shall be Missionary Baptists, be and are hereby created a body politic and corporate,

Corporate name.

under the name and style of 'Dell School,' for the purpose of operating at Delway, Sampson County, State of North Carolina, a school or system of schools for general education and for the special training of teachers for the rural public schools, and by

Corporate powers.

that name to remain ninety-nine years; and in that name may acquire, hold and convey property, real, personal and mixed; may receive donations and gifts in money, real, personal and mixed property; may sue and be sued; may contract and be contracted with; may plead and be impleaded in their corporate capacity; may exercise such rights and acts as may be needful for the promotion of education, as aforesaid; may have and use a common

seal; may make and alter, from time to time, such by-laws as may be deemed necessary for the operation and control of said institution: *Provided*, such laws shall not be inconsistent with the Constitution and laws of the United States and of North Carolina."

Power to issue stock.

Sec. 2. That said act be amended by striking out all of section three.

Trustees to control school.

Sec. 3. That section four be amended so that it shall read: "That the members of this corporation, together with such additional trustees as they may elect from time to time, all of whom shall be Missionary Baptists, shall control the affairs of this corporation, elect an executive committee and such officers as they see fit, fix times of meeting, and transact such business as may relate to the success of the corporation: *Provided*, that the whole number of trustees shall not exceed forty, and that ten of them shall constitute a quorum for the transaction of business."

Proviso: number of trustees.

Trustees not individually liable.

Sec. 4. That in section six, line one, the word "stockholders" be struck out and the word "trustees" be substituted in lieu thereof.

Meeting of trustees.

Sec. 5. That in section eight, line one, the word "stockholders" be struck out and the word "trustees" be substituted in lieu thereof.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 56.

AN ACT TO PROVIDE FOR WATER-WORKS AND SEWERAGE AND OTHER PUBLIC IMPROVEMENTS IN THE TOWN OF MAXTON.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Commissioners of the Town of Maxton, for the purpose of providing and establishing and maintaining a system of water-works and sewerage, electric lights, streets, and other improvements for the town of Maxton, are authorized and empowered to issue bonds of the town of Maxton in an amount not to exceed fifty thousand dollars ($50,000), bearing interest at a rate not to exceed six (6) per centum per annum, of such denomination as the said board of commissioners shall determine, not to exceed one thousand dollars ($1,000) nor be less than one hundred dollars ($100), to each and every one of which bonds shall be attached coupons representing the interest on said bonds, which bonds and coupons shall be due and payable as the

Amount.

Denominations.

Bonds and coupons to be numbered.

said board of commissioners may hereafter determine; and the said bonds to be issued by said board of commissioners shall be consecutively numbered and the coupons shall bear the number of the bond to which it is attached, and shall declare the amount of interest each one represents and when due, and shall be receivable in payment of taxes due the town of Maxton by the holder of said bonds; said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value, and shall run for a period of thirty years.

Coupons receivable for town taxes.

Not to be sold below par.

How bonds authenticated.

Sec. 2. That the said bonds shall be issued over the signature of the Mayor of the Town of Maxton, witnessed by the signature of the clerk and treasurer of the board of commissioners and attested by the official seal of the town of Maxton, and shall be sold by the mayor of said town, under the direction of the board of commissioners.

Special tax for interest and sinking fund.

Sec. 3. That for the purpose of paying the interest on said bonds as it becomes due, and of providing a sinking fund for the payment of said bonds at maturity, the said board of commissioners are hereby authorized and empowered to levy and collect a special tax annually upon all subjects of taxation which are now or may be hereafter embraced in the subjects of taxation, under the charter of said town or the laws of the State, said special tax not to exceed seventy-five (75) cents on the one hundred dollars' worth of property and not to exceed two dollars and twenty-five cents ($2.25) on each poll; such taxes shall be levied and collected in the same manner as other taxes of said town and shall be paid into the hands of the treasurer, whose bond shall at all times be sufficient to cover the amounts which may come into his hands; and as such moneys may from time to time accumulate, they may be loaned out under the supervision and by the direction of the commissioners of said town and until such time as the same may be paid in cancellation of bonds, and the interest received shall be applied and credited upon said bonds.

Rate.

To be levied and collected as other taxes.

Treasurer's bond.

Investment of sinking fund.

Record of bonds.

Sec. 4. That the Board of Commissioners of the Town of Maxton shall cause their clerk to keep a record in which shall be entered the name of every purchaser of a bond, the number of the bond purchased and the amount received therefor, and shall also cause said clerk to keep a record of all bonds redeemed, from whom purchased, and the amount paid for their redemption, and all bonds when redeemed and recorded shall be destroyed by fire in the presence of the board of commissioners by their clerk, or one of their number.

Necessary lands.

Sec. 5. That for the purpose of providing, establishing and maintaining said system of water-works and sewerage, electric lights, streets and other public improvements, the Board of Commissioners of the Town of Maxton are authorized and empowered to acquire, by purchase, donation, devise or otherwise, any and all lands, rights-of-way for pipes, mains or other conduits, lands nec-

essary for pumping station or water supply, and such other rights or easements as shall be necessary for the establishing, operation and maintenance of any or all of said public works, whether the said lands or rights-of-way be in the limits of the town of Maxton or without its limits; and if the said board of commissioners shall be unable to agree with the owner thereof for the purchase or acquisition of any real estate, privileges or easements which they deem necessary for the establishment or maintenance of said public works, they may condemn the same as hereinafter set forth—that is, the said town of Maxton shall file with the Clerk of the Superior Court of Robeson County its verified petition, setting forth and describing the particular property, rights, privileges or easements proposed to be condemned and used for said public works, and stating names and residence of the owner or owners thereof, if known, and of the persons having an interest therein, which may be affected by the condemnation proceeding; whether the parties are minors, and if so, their guardian, if they have any; and praying for the appointment of commissioners to appraise and value the property, rights, privileges or easements proposed to be condemned and to ascertain the value thereof, and report to the Court what sum should be paid to the owner or owners as damages for such property, rights, privileges and easements, according to their true value.

Lands to be condemned.

Procedure for condemnation.

Sec. 6. That it shall be the duty of the Clerk of the Superior Court, upon the filing of said petition, to issue a summons to the parties named as being interested in said lands, rights, privileges and easements, requiring them to appear at his office in the courthouse of said county on a certain day, which day shall not be more than twenty days from the day of issuance of said summons, and speak, answer or demur to the petition; and, upon the hearing, the Clerk of the Superior Court shall determine the rights of the town of Maxton to the relief prayed for in the petition, and from his judgment either party to said proceedings shall have the right to appeal, as in cases of special proceedings; and in said proceedings the Clerk of the Superior Court shall make all lawful orders for the appointment of guardians *ad litem*, publication of summons, and in all respects proceed according to the practice of the courts in special proceedings.

Clerk of court to issue summons.

Appeal from clerk.

Sec. 7. That it shall be the duty of the Clerk of the Superior Court, if he shall find that said town of Maxton is entitled to have its petition granted, and that no sufficient defense to the same has been shown by the parties defendant, to order that three disinterested persons, qualified to act as jurors in such proceedings, competent freeholders, be summoned by the sheriff to meet upon said premises within ten days and to ascertain and assess the true value of the property, land, rights, privileges or easements proposed to be condemned and the damages to be paid to owner by the town of Maxton, and to make report of their proceedings

Jury of view.

to the Clerk of the Superior Court; and, upon the filing of said report, any person interested as a party may file exceptions thereto within ten days after the filing of such report, and the clerk shall hear such exceptions and render judgment thereon, from which either party may appeal, as in other special proceedings, and such appeal shall have precedence over all other cases when heard upon issues or questions of fact.

Where amount only is involved.

Sec. 8. That whenever it appears that the only matter in dispute between the town of Maxton and any owner of land or other rights affected is the question of damages, the town of Maxton shall have the right to exercise and enjoy such rights, privileges and easements prayed for at once, but shall be liable to the party seeking damages in whatever sum the final judgment shall determine: *Provided*, the town of Maxton shall first execute a bond to abide by and perform the said final judgment. The costs of said proceedings shall be paid by the parties as the Court in its discretion shall adjudge.

Proviso: town to give bond. Costs.

Lis pendens.

Sec. 9. That the tendency of any proceeding for condemnation for property or rights under this act shall have the effect of a *lis pendens* as to all persons claiming from the person or party on whom service of the summons has been made.

Title to vest in town.

Sec. 10. That upon the payment of the amount of damages assessed or finally determined by the Court to the party entitled to receive the same under the judgment, or into the Court for the use of such person, the title to the property, rights, privileges or easements shall be vested in the town of Maxton, as determined by such final judgment.

Election on bonds.

Sec. 11. But before the issuance of any bonds as herein provided for, or any taxes levied, it shall be the duty of the Board of Commissioners of the Town of Maxton to submit to the qualified voters of said town for their determination the question of whether or not bonds as herein provided for shall be issued for the purposes aforesaid, and said commissioners are authorized to hold an election in the town of Maxton, after thirty days' notice, in the same manner as is provided for the election of officers of said town, at which election there shall be submitted to the qualified voters the said question; and those voters voting the issue of bonds shall vote a ballot on which shall be written or printed, "For Bonds," and those opposing the issue of bonds for said purposes shall vote a ballot on which shall be written or printed, "Against Bonds." And if a majority of said qualified voters shall vote in favor of a bond issue, then the powers and authority hereinbefore conferred shall be exercised by said board of commissioners; but if a majority of said voters shall vote against a bond issue, no bonds shall be issued. If, however, a bond issue shall not be voted upon favorably, said board of commissioners may call subsequent elections, under the same rules and regulations as already prescribed.

Notice of election.

Form of ballots.

Subsequent elections.

Sec. 12. That the result of said election shall be certified by the officers holding the same to the board of commissioners of said town, at such time as they may designate, and the result shall be recorded in the minutes of the town of Maxton and shall be held and admitted conclusive evidence of the truth of the facts therein certified. Result of election certified and recorded.

Sec. 13. That nothing in this act is to be so construed as to require the purchaser or purchasers of any of said bonds to see that the purchase-money paid for the same is applied to the purposes prescribed for in this act. Purchasers of bonds.

Sec. 14. That this act shall be enforced from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1907.

CHAPTER 57.

AN ACT TO AMEND CHAPTER 68, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1903, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE VILLAGE AND TOWNSHIP OF SWAN QUARTER, NORTH CAROLINA, AND THE COUNTY OF HYDE.

Whereas, certain persons living and owning lands outside the limits of Swan Quarter Graded School District, or living in said district and owning real estate outside of said district, but adjoining same, desire to have their real estate outside of said district, but adjoining same, included within the bounds or limits of said district, in order to obtain the advantages of the schools in said district for themselves and for their tenants, employees and servants living on such lands: therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter sixty-eight, Private Laws of North Carolina, session one thousand nine hundred and three, be amended by adding thereto the following words: "Any person or persons owning real estate adjoining the said district, and living upon said lands, or having tenants or servants or employees living upon said lands, and desiring to obtain for themselves, their tenants, servants and employees living upon said property the advantages of graded schools in said district, may make written application to the board of graded school trustees of Swan Quarter, describing the property they desire added to the limits of said district, and offering to allow said property to be made a part of said district and subject to the taxes and regulations prescribed in Owners of adjoining lands may apply for admission to district.

Trustees to pass on application.

Property included in district.

chapter sixty-eight, Private Laws of North Carolina, session of one thousand nine hundred and three. And said board of graded school trustees may hear and pass upon said application, and if a majority of said trustees at any legal meeting of said board, a *quorum* of said board being present, shall vote to add said property to the limits of said district, such property shall be so added and a record of same shall be entered on the minutes or records of said board, and thereafter said property so added to the limits of said district, and the persons living on said property shall be subject to the taxes provided for and regulations prescribed by said chapter sixty-eight of Private Laws of North Carolina, session of one thousand nine hundred and three, and the persons living upon said property shall be entitled to all the advantages of the graded schools in said district.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 58.

AN ACT TO ESTABLISH GRADED PUBLIC SCHOOLS IN THE TOWN OF HIGHLAND, CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

School district established.

Name.

Section 1. That for the purposes and benefits of this act the territory embraced within the present corporate limits of the town of Highland, Catawba County, shall be and is hereby constituted a public school district, to be known as "The Highland Graded School District."

Schools controlled by trustees.

Trustees and term of office.

Election of trustees.

Vacancies.

Sec. 2. That the graded public schools in said district shall be, from and after the ratification of this act, under the control of a board of school trustees composed of four members; that John Newton and Henry Killion are hereby appointed two members of said board, their term of office to expire on the first Monday of May, one thousand nine hundred and seven, and N. W. Clark and Jefferson Huffman are hereby appointed two members of said board, their term of office to expire on the first Monday of May, one thousand nine hundred and eight, and at each annual municipal election thereafter two school trustees shall be elected for the term of two years to fill the places of the two retiring members; any other vacancies on said board shall be filled by the board of commissioners of said town until the next annual election. The said board shall be elected by the qualified voters of the town of Highland at the regular municipal election, to be held in all respects as provided for the election of the board of commissioners of said town.

Trustees incorporated. Corporate name.

Sec. 3. That the board of school trustees hereby created shall be a body politic, by the name and style of "The Board of Trustees of the Highland Graded Schools," and by that name shall be capable of receiving gifts and grants, purchasing and holding real and personal estate, selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created.

Trustees to have control of schools and school property.

Sec. 4. That the said board of trustees shall have entire and exclusive control of the graded public schools and of all public school property in the town of Highland, and shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers, subject to removal by said board; shall make an accurate census of the school population of the town, as required by the general law of the State, and do all other lawful acts for the management of the public school interests of the town: *Provided*, that all the children resident in the town of Highland, between the ages of six and twenty-one years, shall be admitted into said schools free of tuition charges, and those desiring to be admitted as pay students may be admitted upon such terms as the board may direct.

Proviso: free tuition.

Pay students.

Treasurer of trustees.

Sec. 5. That the said board of school trustees shall annually elect one of their number treasurer and custodian of all public school funds and public school money derived from the State for the benefit of said school district, and all money collected within the said district, from year to year, as county school tax is hereby appropriated to and set apart for the use and benefit of said graded public schools, and the same, together with the money arising from any special tax, gift, grant, apportionment, or otherwise, shall be paid to and received by the treasurer of said board of school trustees, and the said treasurer shall report monthly to said board his receipts and disbursements, with vouchers for the same. The moneys so received shall be held by the treasurer as a fund to be disbursed only upon the orders of the board, signed by its chairman and countersigned by its secretary. The said treasurer shall furnish annually to the board of commissioners of said town a statement in writing of his receipts and disbursements of the school money, properly audited and approved by the chairman and secretary of the said school board. The bond of said treasurer shall be fixed by the board of school trustees in an amount sufficient to secure all school money which may at any time come into his hands.

Appropriation to schools.

Treasurer to report monthly.

Annual statements.

Bond of treasurer.

Election for special school tax.

Sec. 6. That upon the written application of fifty citizens of the town of Highland it shall be the duty of the board of commissioners of said town to submit to the qualified voters, within three months after the filing of such petition, the question of levying an annual tax for the support of graded schools in said town, and

Notice of election. they shall give thirty days' notice of said election in some newspaper published in the county; said election shall be held in the same manner as is provided for the election of mayor and commissioners for said town, and at any time designated by said board of commissioners: *Provided*, that such election shall not be held oftener than once in any twelve months.

Form of ballots. Sec. 7. That at an election held under the provisions of section six of this act those who favor the levying of such tax shall vote a written or printed ballot with the words, "For Schools," upon it, and those opposed to levying such a tax shall vote a written or printed ballot with the words, "Against Schools," upon it, and if a majority of the qualified voters shall vote for such tax the same shall be levied and collected annually by the town authorities, under the same rules and regulations as are provided by law for

Proviso: tax rate. levying and collecting all other town taxes in said town: *Provided*, that the special taxes so levied and collected shall not exceed twenty cents on the one hundred dollars valuation of all the taxable property of said town, and upon the poll not exceeding sixty cents.

Town tax collector to collect tax. Sec. 8. That the town tax collector shall be subject to the same liabilities for the collection and disbursement of said special taxes as for other town taxes.

Apportionment of school funds. Sec. 9. That the said board of school trustees shall apportion the money raised and received for educational purposes in said town as shall be just to the white and colored races, without discrimination to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the schools for both races, separate schools to be provided for each race. If the number for either race and the fund therefor is insufficient to maintain a graded school, the fund may be applied for a public free school for said race, under the control of the said board.

Fund for buildings. Sec. 10. That the said board shall have power to appropriate and expend of the capital tax fund, when levied as hereinbefore provided, an amount not exceeding in any one year ten cents on the hundred dollars valuation of all property and thirty cents upon the poll for the purpose of purchasing sites, erecting buildings and furnishing the same, suitable to the needs of such graded schools.

Report of trustees. Sec. 11. That the said board shall make to the board of commissioners annually, at such time as is required under the school law of the State, a report containing an accurate census of the school population and showing the work done and money expended on account of the graded or other public schools in the town of Highland, a copy of which report shall be forwarded to the Superintendent of Public Instruction of the State and one to the

School year. county superintendent. The beginning and ending of the school year shall be fixed by the board of trustees.

Sec. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 59.

AN ACT TO AMEND CHAPTER 67, PRIVATE LAWS 1905, IN REGARD TO AMENDING CHARTER OF THE DOVER SOUTHBOUND RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That section two, chapter sixty-seven, Private Laws of one thousand nine hundred and five, be amended as follows: After the words "Swansboro, North Carolina," in section two, add the words "and to construct lines in Duplin County through Kenansville into Warsaw." Lines in Duplin county.

Sec 2. That this act shall be in force immediately upon its passage.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 60.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF THE TOWN OF HILLSBORO TO SELL THE OLD ACADEMY LOT.

The General Assembly of North Carolina do enact:

Section 1. That the Commissioners of the Town of Hillsboro, North Carolina, be and they are hereby authorized and empowered to sell, at public or private sale, and on such terms as to them may seem best, the Old Academy and Academy Lot, in said town, situated on Tryon Street, and adjoining the lots owned by Henry Murdoch, T. D. Tinnin and others. At public or private sales.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 61.

AN ACT TO AMEND CHAPTER 82, PRIVATE LAWS OF 1899, BEING AN ACT TO INCORPORATE THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. That section twenty-seven of chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding at the end thereof the following: "And also ordinances regulating the condemnation of buildings which are now or may hereafter be within the corporate limits, whenever such buildings shall become in such condition as to be dangerous for fire, or which shall be allowed to fall into such a state of decay or shall be so altered as to become unsightly; and also ordinances regulating future buildings in the corporate limits, or future repairs of existing buildings, to the end that only such buildings shall be permitted to be erected as shall not, by reason of their manner of construction or material used, unjustly and unreasonably endanger by fire, or otherwise unreasonably depreciate the value of adjacent property, and to the end that only such buildings as are suitable for and adapted to the uses of the locality of the city in which the same are to be erected shall be permitted; and also ordinances providing for proper sanitary inspection of buildings and the plumbing thereof. And to this end a department of buildings and inspection may be provided by ordinances of the said board, with a system of inspection and licenses, and such fees and officers to conduct the same as the said board of aldermen shall find necessary and beneficial."

Power to condemn buildings.

Regulation of buildings and repairs.

Sanitary inspections.

Department of buildings and inspection.

Sec. 2. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding to the end of section forty-five the following: "Upon each separate business done at a single office, store, lot or building. And for the purpose of properly enforcing the collection of such taxes, the board of aldermen may provide by ordinance for the proper listing of the taxes chargeable against the persons under said section, and when so listed they shall be collected by the tax collector under the same laws, rules, regulations and powers as the said tax collector shall exercise with reference to taxes listed on property." And further amend said section by striking out of said section the words "three hundred dollars," and insert in lieu thereof the words "one thousand and two hundred dollars."

License for each separate business.

Listing.

Liquor license.

Sec. 3. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding to the end of section thirty-two the following: "And for the improvement and pavement of sidewalks; and to assess against the abutting property such part of the cost of such repairs and improvements

Ordinances for improvement and pavement of sidewalks.

Assessment on property improved.

as shall not exceed one-half the cost of the betterment to it; and when the owners of said property shall fail for twenty days after notice to conform to such rules and regulations, the city may make the same, and then the cost of such improvements shall be collected by the tax collector under the same rights, powers, and under the same regulations as he is authorized to collect taxes assessed against property in the city: *Provided, however*, that no charge in the residential portion of the city shall be made against the abutting property which shall exceed one-half the cost of a concrete-laid sidewalk four feet wide." Proviso: limit.

Sec. 4. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by striking out of section forty the following words: "Five per cent. on the gross amount of collections made by him until his commissions, fees and emoluments shall amount to the sum of one thousand dollars, and after his said commissions, fees and emoluments shall have amounted to said sum," and insert in lieu thereof "four per cent. of the gross amount of collections made by him and." Commissions of tax collector.

Sec. 5. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding the following as a new section to said act:

"Sec. 67. That the board of aldermen shall, at least once in each calendar year, at such time as may be prescribed by an ordinance of the board, publish in some journal or newspaper a detailed statement of the amount of taxes collected, and of all other moneys received, and of the method in which the same has been expended, and of the debts outstanding against the city; and a failure to make such publication shall be a misdemeanor." Annual statement published.

Sec. 6. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding to the end of section twenty-five the following: "And if it shall be found advantageous for the city, in prosecution of improvements of its streets or other public works, to provide a stone quarry or other plant at a point without the corporate limits, such convicts may be worked at such quarry or plant; and further, it shall be lawful for any of the courts of the State, under the same rules and regulations as are now provided where counties work the roads by convict system, to sentence convicts to work at such quarry or plant of the city of New Bern, whenever the mayor of said city shall inform the said court of the readiness of the city to receive and care for the said convicts, and when so received at such quarry or plant, they shall be held and controlled under the same laws, rules and regulations as are provided in cases of county road-work. It shall be lawful, however, for the mayor to sentence to work on the county roads." Convicts worked in quarry.

Sec. 7. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by inserting between the words "applied" and "provided," in section fifty-five, the fol-

Bonds to be issued. lowing: "And if the board of aldermen shall conclude to improve any of the streets of the city of New Bern, by placing thereon a permanent pavement of stone or brick, or by macadamizing the same, it is hereby authorized and empowered to issue for the purpose such bonds, in sums not exceeding fifty thousand dollars ($50,000) at any one submission of the question, the proceeds of which to be used for such purpose, and under the submission of such questions to the voters as hereinafter provided, the said board may provide that the whole of said sum, or any part thereof, shall be used for such streets in general, or they may provide that the whole or any part thereof shall be applied to the improvement of any specified street or parts of streets, as by the resolution to the board submitting the same to the popular vote may be provided; and the proceeds of such bonds shall be so applied." And by adding to the end of such section, "and the said board shall have no power to expend any part of the proceeds of such bonds except for the purpose for which the same was voted and in payment of such of said bonds as shall have been issued." And that the word "thirty," in said section, shall be changed to the word "fifty." All such funds shall be expended for work and material, under contract to lowest responsible bidder.

Amount.

Issue subject to election.

Application of proceeds of bonds.

Maturity of bonds.

Enlargement of light plant and water system.

Sec. 8. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, section fifty-five, be amended by inserting between the words "erect" and "and," in the second line thereof, the words "improve, extend, enlarge."

Sec. 9. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding the following section:

Street commissioner.

"Sec. 68. That the board of aldermen may, when they see proper, elect an officer to be called 'Street Commissioner,' who shall hold his office during the pleasure of the said board of aldermen, who shall have the absolute power of removal from office, and the power, from time to time, to discontinue the office or re-create the same as in their judgment shall best subserve the interests of the city. And upon his qualification and entering upon the duties of the office, and before he qualifies, he shall give bond, payable to the city of New Bern, in the sum of one thousand dollars ($1,000), for the faithful performance of his duties. He shall be paid a monthly salary, to be fixed by the board of aldermen, at a sum not exceeding seventy-five dollars ($75) per month, to which the board of aldermen may add an allowance for or may furnish him an office in which to conduct all his business and duties. The street commissioner shall employ all laborers employed by the city, including such convicts from the mayor's or other courts who shall be assigned by said courts to work upon any of the public works of the city. A committee of the board of aldermen appointed to supervise said work, being the committee now called 'Streets and Pumps Committee,' shall at all times have ac-

Bond.

Salary.

Laborers.

Supervision of work by committee.

cess to his office, books and papers, and to them he shall at all times give full and explicit information as to any work on hand, hands employed, or contracts or other engagements, as well as material in his charge and control belonging to the city. And, subject to the advice of the said committee, he shall have full control of the teams of the city—horses, mules, carts, wagons, road machines, rock crushers, steam rollers—and all other property of the city bought for the purpose of improving the streets and sidewalks, and shall work the same as he, under their advice, may think proper and for the best interest of the city. The rate of wages and number of employees shall be controlled and be approved by the board of aldermen. No work shall be commenced or performed or continued by said street commissioner whenever the said committee shall object thereto, unless upon meeting of the board of aldermen they shall so direct. And no work shall be begun by said street commissioner involving in work, material or expense an amount exceeding the sum of two hundred dollars ($200), unless the proposed work shall be reported to the board of aldermen and by them approved. Nothing herein, however, shall prohibit the board of aldermen from letting out any work of the city, or improvement, by contract, and when such contract shall have been let it shall be the duty of the said street commissioner to see that the contractor shall faithfully and fully perform his contract for said work, and the board of aldermen shall not appropriate any money in payment for such contract work until after the report of the said street commissioner shall have been filed before them in reference thereto. The said street commissioner shall report to the board of aldermen, in writing, to be filed with the clerk at least one day before its monthly meeting, the expense incurred for said work during the period since his last report and a detailed statement of the same. No excavation or disturbance of the streets and sidewalks in any way shall be undertaken by any person whatsoever until a written permit therefor shall be had from the street commissioner, who shall keep a record of the same: *Provided, however*, that any person applying for such permit, which shall be refused, may appeal from his refusal to the board of aldermen, who shall then pass upon the appeal at its next special or regular meeting. All matters relating to the streets and sidewalks of the city shall be under the control and supervision of the street commissioner, with the advice of the committee above referred to, subject to the revision and supervision of the board of aldermen."

Advisory power of committee.

Wages and number of employees.

Approval of board of aldermen.

Work may be let to contract.

Duty of street commissioner.

Report of street commissioner.

Excavation or disturbance of streets.

Proviso: appeal.

Sec. 10. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended in section sixty thereof by changing "six hundred dollars" to "one thousand dollars," and changing "treasurer, two hundred dollars" to "treasurer, three hundred and sixty dollars," and by changing "twenty dollars" to "thirty dollars," and by changing "thirty-five dollars" to

Salaries:
Of mayor.
Of treasurer.
Of sexton.
Of policemen.

Of chief of police.

"fifty dollars," and by changing "the chief of police, fifty dollars per month" so as to read, "the chief of police, thirty dollars per month and one-half of the costs collected in cash in cases tried in the mayor's court."

Bond of treasurer.

Sec. 11. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended in section forty-one by changing the words "five thousand" to "ten thousand."

Number of policemen and term of office.

Sec. 12. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended in section thirty-eight by changing the words "six policemen" to "eight policemen," and by striking out the words "for cause," and by changing the words "three years" to the words "same term."

Sec. 13. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding thereto the following section:

City clerk.

"Sec. 69. That the board of aldermen may appoint a city clerk, whose duty shall be to act as clerk to the board of aldermen and perform such other duties as may be prescribed and ordained by

Salary.

the board, who shall have authority to fix the salary and alter the same from time to time, not to exceed seventy-five dollars per month."

That section forty of the said chapter be amended by adding to the end thereof, "unless the board of aldermen shall appoint a city clerk."

Sec. 14. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding thereto the following section:

Pay of aldermen.

"Sec. 70. That the board of aldermen may by ordinance provide for pay to the members of the board at a rate not exceeding two dollars per diem for each day occupied in the service of the city, or attendance upon a meeting of the board."

Sec. 15. That chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding thereto the following section:

Pay of firemen.

"Sec. 71. That the board of aldermen shall have power and authority to provide for the payment of salaries to such of the officers and members of the volunteer fire department of the city as they shall deem best and proper without changing the present

Paid fire department.

organization of the said fire department. And if, in the judgment of the said board of aldermen, the safety and interest of the city shall require, they shall have power and authority to establish a regularly paid fire department; and if they shall so establish said department, then all property belonging to the city now in control of the volunteer fire department shall be subject to the orders of the said board of aldermen, who shall have full power to prescribe regulations for the control and management of the fire apparatus and the fire department of the city."

Sec. 16. That no foregoing section of this act shall go into force and be effectual as an amendment to the charter of the city, unless the same shall have been ratified and approved by a majority of the voters at the next municipal election for the said city, as hereinafter provided. Amendments to be voted on.

Sec. 17. At the next municipal election for the city of New Bern the board of aldermen shall provide a box in which ballots shall be cast for the adoption, or against the adoption, of the foregoing sections, and the said board shall provide a printed ballot in form as follows: Box for election.

"On adoption of amendments to city charter, as provided by the act of the General Assembly of one thousand nine hundred and seven. Form of ballots.

Cross X here		Cross X here
For adoption.		Against adoption.
	Section one.	
	Section two.	
	Section three.	
	Section four.	
	Section five.	
	Section six.	
	Section seven.	
	Section eight.	
	Section nine.	
	Section ten.	
	Section eleven.	
	Section twelve.	
	Section thirteen.	
	Section fourteen.	
	Section fifteen."	

And that at said election each voter shall be allowed to cast his ballot, and if it shall be found, as hereinafter provided, that a majority of those voting such ballots have crossed under "For adoption" as to any one section, then, in that case, the said section shall go into full force and effect; but if a majority of those voting such ballots shall have crossed the same under "Against adoption" as to any one of the said sections, then that section of this act shall not go into force and effect at all.

Sec. 18. The judges and registrars at the various wards shall return, as provided in other elections, an abstract of all the votes cast at each ward, to be canvassed by the board of aldermen of the city, as provided by the charter thereof; and the said board of aldermen, at the said meeting, as provided in the said charter, shall canvass the said returns and declare the result, and as they shall find they shall declare which, if any, or all, of the said Return and canvass of votes.

sections have been adopted; and from that time those which have been adopted shall be in full force and effect, and thereafter all laws and clauses of laws in conflict with the said charter, chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and the amendments heretofore enacted thereto, as amended by the sections of this act declared to be adopted, shall be and are hereby repealed.

Sec. 19. Except as herein provided, this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 62.

AN ACT TO INCORPORATE THE SILER CITY LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That J. R. Parks, J. R. Parks, Jr., J. R. Lane, W. A. Grimes, J. M. Jordan, W. R. Durham, C. E. Johnson, J. R. Milliken, E. P. Wharton, E. B. Parks, R. R. Moore, J. H. Ellis, J. F. Milliken, J. S. Milliken, D. G. Fox, M. K. Vestal, J. Wade Siler, V. M. Dorsett, J. M. Marley and Walter D. Siler, their associates, successors and assigns, be and they are hereby created a body politic

Corporate name.

and corporate by and under the name of the Siler City Loan and Trust Company, and by that name shall have perpetual succession

Corporate rights.

and shall have the right to have and use a common seal, to sue and be sued, with all the powers hereinafter set out, or which are now or may hereafter be conferred by law upon corporations.

Principal office.

Sec. 2. The location of the principal office of this corporation in this State is at Siler City, North Carolina, but it may have one

Branch offices.

or more branch offices or places of business, out of the State of North Carolina as well as in said State.

Corporate powers and purposes.

Sec. 3. That the company shall have power, and the purposes for which it is formed are:

Banking powers.

(a) To establish, maintain, and operate a bank or banks of discount and deposit, known as a commercial bank or banks; to establish, maintain and operate an office or offices of loan and deposit, known as savings bank or banks; to establish, maintain and operate either or both of said classes of business.

Fiduciaries.

(b) To act as trustee, assignee, agent and receiver of individuals and corporations, and to act as administrator, executor, collector and guardian.

Promoters and agents.

(c) To carry on and undertake any business undertaking, transaction or operation commonly carried on or undertaken by capitalists, promoters, financiers, contractors, merchants, commission men, and agents, and in the course of such business to trade,

accept, endorse, acquire, and sell all or any negotiable or transferable instruments and securities, including debentures, bonds, notes, and bills of exchange.

(d) To sell on commission, subscribe for, acquire, hold, sell, exchange, and deal in shares, stocks, bonds, obligations, or securities of any public or private corporation, government or municipality, and the company shall have the express power to hold, purchase, or otherwise acquire, to sell, assign, transfer, mortgage, pledge, or otherwise dispose of shares of the capital stock, bonds, debentures, or other evidences of indebtedness created by any corporation or corporations, and while the owner thereof to exercise all the rights and privileges of ownership, including the right to vote thereon. Dealers in stocks and bonds.

(e) To form, promote and assist, financially or otherwise, companies, syndicates, partnerships, and associations of all kinds, and to give any guarantee on any connections therewith or otherwise for the payment of money or for the performance of any obligation or undertaking. Guarantee.

(f) To acquire, improve, manage, work, develop, and exercise all rights in respect of lease, mortgage, sell, dispose of, turn to account, and otherwise deal with property of all kinds, and in particular business concerns and undertakings. Deal in property.

(g) To act as fiscal agent for persons, firms and corporations. Fiscal agents.

(h) To buy or otherwise acquire, to own, hold, mortgage, pledge, sell, assign, and transfer, or otherwise dispose of, and to invest, trade and deal in any goods, wares, merchandise, and property of every class and description, including patents and patent rights, inventions or other improvements, trade-marks, options, shares, or rights in corporations, real property of any description, and also bonds, mortgages, securities of any kind or description, or other evidences of indebtedness, or investments or investment security of any kind or description whatever; to act as agent for the sale or purchase of any of the same, or for any other purpose connected with the said above described powers; to promote corporate enterprises of any kind, including industrial enterprises, real estate companies, and all businesses or enterprises in which the company is interested; to endorse, underwrite, or guarantee stock, securities, or undertakings of any corporation or person. To raise money by the issue of shares or otherwise, and to invest the moneys so raised in the purchase of or otherwise to acquire and hold any of the investments following: that is to say, any stocks, bonds, debentures, shares, script, or securities issued or having any guarantee by any government, municipality, trust, local authority or other body, incorporated or unincorporated, public or private, of the United States, or any stocks, shares, bonds, debentures, script, or securities issued or having any guarantee by any corporation or company constituted or carrying on business in the United States or elsewhere. To borrow or raise money Dealers in real estate. Investments.

by the issue or sale of any bonds, mortgages, debentures, or debenture stock of the company, and to invest any money so raised in any such investments as aforesaid, to acquire any such investments as aforesaid by original subscription, underwriting, participation in syndicates or otherwise, and whether or not fully paid up, and to make payment thereon as called for, or in advance of calls or otherwise, and to underwrite or subscribe for the same conditionally or otherwise, either with a view to investment or for resale or otherwise, and to vary the investments of the company, and generally to sell, exchange, or otherwise dispose of, deal with, and turn to account, any of the assets of the company. To negotiate loans, to offer for public subscription or otherwise aid and assist in placing any such investments as aforesaid; to give any guarantee in relation to any such investments issued by or acquired through the company or otherwise. To guarantee the payment of dividends or interest on any stock, shares, debentures, or other securities issued by, or any other contract, or obligation of, any such company, association, undertaking, or public or private body.

Dealers in real estate.

(i) To purchase, lease, hire, or otherwise acquire, real and personal property, improved and unimproved, of every kind and description, and to sell, dispose of, lease, convey, and mortgage such property or any part thereof; to acquire, hold, lease, manage, operate, develop, control, build, erect, maintain, for the purposes of the said company, construct, reconstruct or purchase, either directly or through ownership or stock in any corporation, any lands, buildings, offices, stores, warehouses, mills, shops, factories, plants, gas houses, machinery, rights, easements, permits, privileges, franchises, and licenses, and all other things which may at any time be necessary or convenient in the judgment of the board of directors for the purposes of the company; to sell, lease, or otherwise dispose of lands, buildings, or other property of the company or any part thereof, and to conduct a real estate business in all of its branches.

Agents or brokers.

(j) To act as agent or broker in loaning or borrowing money and to guarantee the repayment of principal and interest, and to make such other guarantees in regard thereto as may seem to the directors to be wise, and to charge a commission therefor.

Insurance agents.

(k) To act as agent for insurance companies of all kinds and generally to do business of an insurance agent.

Capital stock.

Sec. 4. That the authorized capital stock of this company shall be one hundred thousand dollars ($100,000), divided into one thousand shares of the par value of one hundred dollars ($100) each; but the company may begin business when fifteen thousand dollars ($15,000) of the capital stock have been paid in.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 63.

AN ACT TO AMEND THE CHARTER OF THE GRADED SCHOOL OF THE TOWN OF ALBEMARLE.

The General Assembly of North Carolina do enact:

School orders.

Section 1. That chapter two hundred and sixty-nine, section eight, Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby amended by striking out the words "and by the mayor of said town," in line ten (10) of said section.

Reports of school commissioners.

Sec. 2. That section eleven of said chapter two hundred and sixty-nine, Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby repealed and the following substituted for it: "That said board of school commissioners shall make an annual report to the mayor of said town, on or before the first day of July of each year, of all the workings of said school, including the improvements and expenditures."

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 64.

AN ACT TO INCORPORATE THE TOWN OF COVE CITY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Cove, in the county of Craven, and the inhabitants now living within the limits hereinafter prescribed are hereby incorporated as a town under the name and style of the town of "Cove City," with all the rights, powers, privileges and immunities and subject to all the provisions now in force or hereafter enacted relating to incorporated towns and cities, except as herein provided.

Corporate name.

Boundaries.

Sec. 2. That the boundaries and corporate limits of said town shall be as follows, to-wit: Beginning at an iron stake in the edge of Richardson's field, near Core Creek Run; thence north seventy degrees west two hundred and eighty poles; thence north twenty degrees east two hundred and twenty-four poles; thence south seventy degrees east two hundred and eighty poles; thence south twenty degrees west two hundred and twenty-four poles to the beginning.

Town officers.

Sec. 3. The officers of said town shall consist of the mayor and five commissioners, a town constable and a town clerk. The duties of the town constable shall be the same as those prescribed for town constable under chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina. The follow-

Officers named. ing-named persons shall fill the offices of mayor and commissioners, constable and clerk until the first Monday in May, one thousand nine hundred and seven (1907), and until their successors are duly elected and qualified: Mayor, A. W. Avery; commissioners, H. T. White, W. T. McCoy, R. M. White, W. E. Jones and O. L. Wetherington; constable, J. H. Harris; town clerk, E. D. Avery.

Town elections. Sec. 4. That there shall be an election held for the various officers mentioned in this act on the first Tuesday after the first Monday in May, one thousand nine hundred and seven (1907), and every two years thereafter, under the regulations and provisions contained in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, under subdivision seven, entitled "Elections," and the qualifications of voters within the limits of said town shall be such as are prescribed by law.

General law to apply. Sec. 5. The mayor and commissioners of said town shall have all the powers, rights and privileges and be subject to the duties prescribed under chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina.

Vacancies. Sec. 6. That whenever a vacancy occurs in said offices the town commissioners shall appoint one of their number mayor *pro tempore*, and shall appoint any good citizen of said town to fill the other offices which may be vacant.

Officers to qualify. Sec. 7. That it shall be the duty of the officers appointed by this act, within thirty days after its ratification, to go before some justice of the peace of Craven County, or other officer therein authorized to administer oaths, and take the oath of office prescribed by law for such officers.

Jurisdiction of mayor. Sec. 8. The mayor is hereby empowered with the right to impose fines and penalties for the violation of the ordinances established by the commissioners of said town.

Disposition of fines. Sec. 9. That all fines collected for the violation of the ordinances established by the town commissioners of said town for the government thereof shall be paid into the treasury of said town, and the treasurer of said town shall pay the same over to the treasurer of the county school fund, as required by law.

Clerk and treasurer. Sec. 10. That the town commissioners may appoint a treasurer for said town, and they may appoint the clerk of said town as

Bond. treasurer, and require whatever bond they think proper, not to exceed two hundred dollars ($200), for the faithful performance of his duty.

Place of voting. Sec. 11. That in all national, State, county, and township elections hereafter held the citizens of the town of "Cove City" shall vote within the precinct and at the place provided under the general laws, regardless of the incorporation of the said town under this act.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 65.

AN ACT TO INCORPORATE THE TOWN OF RUNNYMEDE, IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Runnymede, in the county of Edgecombe, be and the same is hereby incorporated under and by the name of "Runnymede," and in its corporate name shall have power to purchase, hold and convey real and personal property for the benefit of the town; to sue and be sued, to plead and be impleaded, and shall be vested with all other powers, rights and privileges necessary or belonging or usually appertaining to municipal incorporations. Town incorporated. Corporate name. Corporate powers.

Sec. 2. The corporate limits of said town shall include all the lands with the following boundaries, to-wit: Beginning at a point north of the A. C. L. R. R. Company's track, the intersection of the A. C. L. R. R. Company and Hendrick's Creek, north of said railroad track; thence southwardly along and with the run of Hendrick's Creek, one thousand seven hundred and sixty-one feet, to the mouth of a branch, Seth E. Speight's corner; thence west along and with the run of said branch to another corner of said Speight's line; thence northwardly and along and with said Speight's line to the northern side of the right-of-way of said railroad company; thence with the northern side of said right-of-way eastwardly about one thousand and five hundred and eighty-five feet to the beginning, containing about fifty-five acres. Corporate limits.

Sec. 3. The officers of said town shall consist of a mayor and five commissioners and a constable, and such police officers as the commissioners may appoint; and said commissioners may appoint a secretary and treasurer, and prescribe their duties and term of office, not to extend beyond the term of the commissioners appointing, if the said commissioners deem it advisable at any time to make such appointments, both of which offices may be combined in one and the same person. Town officers.

Sec. 4. There shall, on Tuesday after the first Monday in May, one thousand nine hundred and seven, and on Tuesday after the first Monday in May every two years thereafter, be elected the mayor and the five commissioners by the qualified voters thereof; but no person shall be entitled to vote at such elections unless, in addition to his qualification as a voter in State and county elections, he has resided within the corporate limits of said town four (4) months immediately preceding said election. The commissioners of said town shall have authority to elect a constable of said town, whose term of office shall be the same as that of the commissioners; said constable shall have all the powers conferred on him by said act, and shall also have the same powers to serve Town elections. Constable.

civil process within the limits of said town as the sheriff of the county shall have. The officers so elected shall qualify and be inducted into office on the first Monday in June following their election, and shall continue in office for the term of two years, and until their successors have been duly elected and qualified.

Officers to qualify.

Officers named.

Sec. 5. That until an election can be held, as provided for in the preceding section, and the officers elected thereat have been qualified, the following named persons shall fill said offices: C. H. Butler, mayor; and Sidney Spain, Samuel Howard, Sr., W. M. Brown, J. S. Sherrod and W. T. Williams, commissioners; and said commissioners may appoint a constable, whose term of office shall be the same as, and expire with, that of said commissioners.

Guard-house.

Sec. 6. The commissioners may build or establish a lockup or guard-house, in which to confine and imprison persons charged with and convicted of criminal offenses and of violations of town ordinances, and for feeding such prisoners the town constable shall be allowed such compensation as is allowed the keeper of the common jail of the county.

Mayor constituted inferior court.

Sec. 7. The mayor of said town is hereby constituted an inferior court, with all the jurisdiction and powers in criminal offenses which are or may hereafter be given to justices of the peace; and he shall conserve and keep the peace. He shall have jurisdiction to hear and determine all violations of the ordinances and regulations of the town. The mayor shall have jurisdiction as a conservator of the peace, and for the trial of all criminal offenses and violations of town ordinances arising and committed within the town limits of said town, and one mile beyond said corporate limits; and the constable and police officers of said town shall have power and authority to make arrests and execute all process issued by said mayor within one mile of the corporate limits to the same extent and in like manner as within said limits.

Jurisdiction.

Constable and police officers.

Convicts to be worked on streets.

Sec. 8. When any person shall be adjudged by the mayor to be imprisoned, it shall be competent for him to sentence such person to imprisonment in the county jail, or the guard-house of the town, and to adjudge that such person work, during the term of his imprisonment, on the public streets, or other public works of the town; and in all cases when he may impose fines, and the person against whom the fine is imposed refuses or is unable to pay the same and the costs, it shall be lawful for the mayor to order and require such person to work on the public streets, or other public works of the town, until, at such rates of wages as are or shall be fixed by the commissioners, such person shall have worked out the full amount of such fine and costs.

Taxes.

Rate.

Sec. 9. All taxes levied by the commissioners on real and personal property and on the polls shall be due and collectible at any time after the fifteenth day of September in each year; but such levy shall not exceed ten cents on every hundred dollars' worth of property and thirty cents on each poll.

Sec. 10. No person, persons, company, firm or corporation shall retail and sell any spirituous, vinous or malt liquors within the limits of said town. Prohibition.

Sec. 11. That such provisions of the general laws of this State, chapter seventy-three, Revisal of one thousand nine hundred and five, in regard to cities and towns, as are not in conflict with the provisions of this charter, are made part thereof and supplementary to it. General law to apply.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 66.

AN ACT TO CONFIRM AND ENLARGE THE POWERS OF THE "SOUTHERN MUTUAL HOME AND REAL ESTATE COMPANY," AND AUTHORIZE IT TO ARRANGE FOR AND CARRY INSURANCE ON THE LIVES OF CERTAIN OF ITS MEMBERS, ALSO TO ISSUE PAID-UP STOCK BEARING INTEREST.

Whereas, the Southern Mutual Home and Real Estate Company was duly chartered according to the laws of this State, before the Clerk of the Superior Court of New Hanover County, on the fifteenth day of February, one thousand nine hundred and four; and whereas, it is claimed that its usefulness can be greatly enlarged by having the legal power and authority to arrange for insuring the lives of certain of its members, and also by having the right to issue paid-up stock, bearing a fixed rate of interest, which right and powers it cannot exercise on account of the limitations of its charter fixed by the general law, under which its charter is granted: now, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the said charter or plan of said association be and is hereby confirmed except as hereinafter amended. Charter confirmed.

Sec. 2. That the said "Southern Mutual Home and Real Estate Company" be and is hereby authorized to arrange for and carry insurance on the lives of certain of its members, who may desire it, providing therefor by the issue of a class or classes of stock similar in other respects to the stock it now issues, to be known and designated as "insured stock," the intent and purpose being that such stock shall become matured and paid up immediately upon the death of the holder of such stock and because thereof. Insurance of members authorized. Insured stock.

By-laws.

Sec. 3. That to carry out such intention the directors of the association shall enact necessary by-laws, specifying how and upon what terms such stock shall be issued: *Provided*, that such insurance shall and must be placed with a life insurance company, or companies, licensed to do business in the State of North Carolina. The member subscribing for "insured stock" shall make application at the same time, to such life insurance company as the Southern Mutual Home and Real Estate Company may direct, for a policy of insurance on his life, naming the said "Southern Mutual Home and Real Estate Company" as beneficiary, or naming his estate as beneficiary, and assign the policy to the Southern Mutual Home and Real Estate Company.

Proviso: insurance carried in licensed companies.

Applications.

Dues and installments.

Sec. 4. The periodical dues or installments on such stock shall include an additional amount to be used by the association in paying the premium on such life insurance policy, and other expenses incident thereto, which amount shall be a part of said dues, the collection of which shall be enforceable under the same rules and penalties as any other dues or installments.

Company joint agent.

Sec. 5. That the Southern Mutual Home and Real Estate Company shall, in the transaction of this business, act as the joint agent of the member and of the life insurance company with which the insurance is placed, and as such, subject to the obligations of an agent only and entitled to such compensation from the insurance companies and the insured members as may be agreed upon and arranged for.

Company to collect policy.

Sec. 6. That upon the death of an insured member, the Southern Mutual Home and Real Estate Company shall collect the death benefits for the use and benefit of the legal representatives of the deceased member: First, deducting therefrom any indebtedness of the member to the association. Second, pay any remainder, together with the value of his stock, to the parties entitled thereto.

Maturity of stock.

Sec. 7. When such stock matures and settlement therefor is made with the holder, the association may re-assign his policy of insurance to him, or may continue to carry the policy for him on such terms as they may agree upon.

Stock bearing fixed interest.

Sec. 8. The said Southern Mutual Home and Real Estate Company is further authorized to issue a class or classes of stock, which shall bear a fixed rate of interest in lieu of any participation in the profits of the association: *Provided*, that such rate of interest shall not exceed six per cent. per annum.

Proviso: not to exceed six per cent.

Amendments submitted to members.

Sec. 9. That within ninety days after the ratification of this act the president of said association shall call a special meeting of the members or stockholders of said association, giving each member at least ten days written or printed notice of the said meeting, for the acceptance or rejection of the powers and amendments herein conferred, and if at said meeting a majority of those voting, in person or by proxy, shall consent, this act shall

be accepted as amendments and additions to said charter, and the directors of said association shall thereupon enact necessary by-laws to carry same into effect. Amendments accepted. By-laws.

Sec. 10. That this act shall be in force from and after its ratification, and that all acts or parts of acts inconsistent herewith are hereby repealed so far as concerns this association.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1907.

CHAPTER 67.

AN ACT TO ALLOW THE TRUSTEES OF WEST MARKET STREET METHODIST CHURCH, GREENSBORO, NORTH CAROLINA, TO REMOVE AND RE-INTER THE REMAINS OF THE BODIES BURIED ON A CERTAIN LOT IN GREENSBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That S. L. Trogden, J. A. Odell, M. Lamb, W. H. Turner, W. E. Coffin, W. F. Alderman, Jr., J. N. Richardson, G. Will Armfield and Thomas J. Copeland, trustees of West Market Street Methodist Episcopal Church, South, Greensboro, Western North Carolina Conference, and their successors in office, are authorized and empowered to remove and re-inter in suitable lots in Green Hill Cemetery, Greensboro, North Carolina, and in a decent and suitable manner, the remains of bodies buried in a lot or tract of land known as the Methodist Burying Ground, situate in the southern part of Greensboro, North Carolina, and east of South Ashe Street in said city, which forms its eastern boundary; together with the stones and slabs marking the graves, such stones and slabs to be replaced at their respective graves in the plots in said Green Hill Cemetery. Trustees to remove and re-inter bodies.

Sec. 2. That the said trustees shall give thirty days notice, in a newspaper published in Greensboro, North Carolina, of their purpose to remove and re-inter said remains as provided above; and, at the request of the next of kin of any person whose remains are buried at said Methodist Burying Ground, said remains shall be turned over to said next of kin so applying, to be interred at any place they desire. Notice to be given. Remains to be delivered to next of kin.

Sec. 3. That all laws or parts of laws which are in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 68.

AN ACT TO LEVY A SPECIAL TAX IN THE TOWN OF TARBORO, EDGECOMBE COUNTY, N. C.

The General Assembly of North Carolina do enact:

Special tax authorized.

Section 1. That the Commissioners of the Town of Tarboro, for the expenses incident to the maintenance and proper operation of the present water and electric-light systems, be authorized and are hereby empowered to levy a special tax on all the real and personal estate not exempt under the State laws in said town, not exceeding twenty-five cents on the hundred dollars' worth, and a tax on all polls liable under the general law, not exceeding seventy-five cents for the years one thousand nine hundred and seven and one thousand nine hundred and eight, and no longer.

Rate.

To be levied and collected as other taxes.

Application.

Sec. 2. That said taxes shall be levied and collected as other taxes of the town, and shall be applied by the board of commissioners of the town for the maintenance and proper operation of the present systems of water-works and electric lights, and to no other purpose.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 69.

AN ACT TO AMEND THE CHARTER OF THE MECHANICS DIME SAVINGS BANK, CHAPTER 279 OF THE PRIVATE LAWS OF 1895.

The General Assembly of North Carolina do enact:

Name changed.

Section 1. That section one of chapter two hundred and seventy-nine of the Private Laws of one thousand eight hundred and ninety-five be amended by striking out of line seven the word "dime," so that the name of said bank shall be the "Mechanics Savings Bank."

Existing rights not affected.

Sec. 2. That the said change of the name of said bank shall in nowise affect the property or the powers, rights and privileges granted to said bank under its charter and the laws amendatory thereof.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of February, A. D. 1907.

CHAPTER 70.

AN ACT AUTHORIZING THE COMMISSIONERS OF THE TOWN OF TARBORO TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Tarboro, Edgecombe County, be and they are hereby authorized and empowered to issue bonds of said town to an amount not to exceed the sum of thirty thousand dollars, for the purpose of extending, improving and maintaining its water-works, electric-light and sewerage systems. Bond issue authorized. Amount. Purpose.

Sec. 2. Said bonds shall run for a period of not less than thirty years from the first day of July, one thousand nine hundred and seven, and bear interest at the rate of five per cent. per annum, payable semi-annually, from date, and shall be issued and sold in such denominations and in such amounts as said board of commissioners of said town shall deem necessary: *Provided,* that no bond shall be sold for less than its par value: *and provided further,* that none of the moneys derived from the sale of said bonds shall be used for any other purpose than the extension, improvement and maintenance of the water-works, electric-light and sewerage systems of said town: *and provided further,* that no bond or bonds issued under this act of Assembly shall be subject to taxation by the municipality for municipal purposes. Duration. Interest. Denominations. Proviso: not to be sold below par. Proviso: use of proceeds of bonds. Proviso: bonds not subject to municipal tax.

Sec. 3. That, before any of the bonds hereinbefore provided for shall be issued, the question of issuing same shall first be submitted to the qualified voters of said town, after thirty days' notice in some newspaper published in said town, at an election to be held under the same rules and regulations as are prescribed by law for elections of mayor and board of commissioners of said town; save and except that for the purposes of the election herein provided for there shall be in said town only two polling places, viz., at the town hall and at the county court-house; the qualified voters residents of wards numbers one, three and five of said town shall be required to attend the polling place located at the town hall, and those qualified voters residents of wards numbers two, four and six of said town shall be required to attend the polling place located at the county court-house. Such notice shall set forth the object for which said bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied and collected to pay same. Those qualified voters approving the issue of such bonds and levying and collecting the taxes to pay the same, shall deposit a ballot in a separate ballot box with the words "For Bond Issue" thereon; those disapproving the same shall deposit a like ballot with the words "Against Bond Issue" thereon. If at such election a majority of the qualified voters shall vote for "bond issue," Bonds to be voted on. Notice of election. Rules and regulations. Polling places. Form of ballots.

the board of commissioners of the town shall issue the bonds provided for in such notice and may levy and order the collection of taxes therein named and authorized by this act.

Sec. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1907.

CHAPTER 71.

AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF ALBEMARLE, STANLY COUNTY, AND TO ALLOW SAID TOWN TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Corporation continued.

Section 1. That the inhabitants of the town of Albemarle shall be, and continue as they have been, a body corporate, shall bear the name and style of the town of "Albemarle," and shall have power to purchase and hold real estate for the benefit of the town, and that said town shall have power to sue and be sued, to plead and be impleaded, as any other corporation, and that said town shall be subject to, and have the benefit of, the general laws of the State in relation to corporations of like kind not inconsistent with this act.

Corporate limits.

Sec. 2. The corporate limits of said town shall extend from the center of the public square in said town one-fourth of a mile, running with the compass bearings west to a stone; thence north with the compass bearing of Second Street five-eighths of a mile to a stone; thence east with the compass bearing of North Street one mile to a stone; thence south twenty-four degrees east nine-twentieths of a mile to a stone; thence south fifty-nine degrees west one-half of a mile to a stone; thence north eighty degrees west nine-eightieths of a mile to a stone; thence south thirty-seven degrees west seven-sixteenths of a mile to a stone in the old line; thence west with the compass bearings of South Street three-eighths of a mile to a stone, the old corner; thence north with the compass bearings of Second Street three-eighths of a mile to a stone.

Town officers and elections.

Sec. 3. The officers of said town shall consist of a mayor, five commissioners, a trial justice, and a marshal, all of whom shall be elected at the regular elections provided in this act, for a term of two years, except the marshal and the trial justice, who shall be elected by the board of town commissioners at their first regular meeting after they are elected and qualified in May every two years: *Provided*, the board of commissioners shall have the right to remove the said marshal at any time on failure to perform the duties of his office satisfactorily.

Proviso: marshal removable for cause.

Sec. 4. That all resident citizens, who are qualified voters of this State, within said corporation that have resided in the county for six months and in the town for four months next preceding any election held in said town, shall be entitled to vote, and all citizens who have resided in the incorporation for six months shall be eligible to hold office in said corporation. Voters.

Sec. 5. That it shall be the duty of the mayor of said town to take the oath of office prescribed by law within five days after his election, and that the commissioners elected at any election for said town shall meet and organize within five days next after their election, and they shall take the oath of office that they, as a body, will faithfully and impartially perform the duties of commissioners to the best of their knowledge and ability for the ensuing term. Mayor to qualify. Commissioners to qualify and organize.

Sec. 6. The commissioners of said town shall have power to levy a tax for each year, not to exceed one dollar and fifty cents on the poll, and fifty cents on the hundred dollars valuation of property, said valuation to be the same that is placed thereon to raise revenue for State and county purposes, and all taxes shall be levied according to Article five, section three, of the Constitution of the State. The board of commissioners shall, on or before the fifteenth day of May, one thousand nine hundred and seven, and annually thereafter, appoint some competent person, or persons, who shall, on or before the twentieth day of May of each and every year, make advertisement in some newspaper published in said town, and at the court-house door and at least six other public places in said town, notifying all persons residing in the town of Albemarle, or who have, or control, taxable property in said town, to appear before them at the times and places mentioned in said advertisements, which dates shall be in the month of June each year, and shall be the same as those fixed by the county assessors, and such other dates as said list-takers of the town shall designate in said month, and to return to them a list of their taxable polls and property in said town; said list shall state the number of lots or parts of lots and all other property now taxable, or that may hereafter be made taxable by the laws of the State or the ordinances of the town, and the lists so returned shall be sworn to by the usual oath in this State for listing property. From the returns so made, the persons appointed as aforesaid shall, on or before the fifteenth day of July of every year, make out, in a book for that purpose, an alphabetical list of persons and owners of property who have so made their returns in the same manner as tax lists are made out by law for the collection of State taxes, and the tax listers appointed as aforesaid shall copy in said book the assessments made by the county assessors, of all property within the town limits, which assessment may be revised, corrected, or amended by the board of commissioners, but must at all times be the same in value as the assessment Tax rate. Tax lister. Tax lists. Return of tax lists.

Property partly within and partly without town.

placed thereon for State and county purposes. When any property lies partly within and partly without the limits of said town, the owner thereof shall designate in his return how much of said property is within and how much is without said limits, and the county assessors, together with the town assessors, shall fix the value separately on that part of the property lying within said

County and town assessors.

town. When the county assessors sit in the town of Albemarle for assessing State and county taxes, the assessors for the town of Albemarle shall sit with them at the same time and place and list

Double tax for failure to list.

the property of said town. If any person, liable for taxes on subjects or polls to be listed in said town, shall fail to list or cause to be listed the same during the month of June of each year, he shall be subject to double tax and the commissioners of said town shall have all the rights, powers and remedies under the State laws to compel said person to appear before them and list said taxes as are now or may be hereafter conferred upon the county commissioners to compel delinquents to appear and list their taxes.

Copies of tax lists.

Sec. 7. The board of commissioners of said town shall cause the clerk of said board, or some other person duly appointed by them, to make out two copies of the tax list for said town according to the form annually furnished to the Register of Deeds of Stanly County by the Auditor of the State. Such form shall show in different columns the sum due by each taxpayer to the town, and also in separate columns the amount of school tax levied by said town, and also the amount of special taxes levied by said town. One of said copies shall remain in the office of the mayor of said town and the other shall be delivered to the tax collector of the town, on or before the first day of September in

Copy to tax collector.

each year, and he shall receipt for same and be charged by the town with the total amount of said taxes. The clerk or secretary of the board of commissioners shall endorse on the copy given to

Order to collect to have force of judgment.

the tax collector an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged with taxes on said lists. Said order shall be in the following or similar form:

Form of order.

State of North Carolina—Stanly County.

Office of the Board of Commissioners
of the Town of Albemarle.

To the Tax Collector of the Town of Albemarle:

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof I have hereunto set my hand and seal, this the ..... day of ....., 190..

.....

Clerk of Board of Town Commissioners.

Sec. 8. That the board of commissioners of said town shall appoint the marshal, or some other competent person, as tax collector for said town, who, after giving an approved bond in the amount to be fixed by the board of commissioners, shall receive the books as aforesaid, and collect all taxes for said town under the same laws and regulations as are prescribed for the sheriff of the county. Said tax books shall be subject at all times to the control of the board of commissioners and subject to correction, and shall be open to the inspection of the public. That all taxes levied by the commissioners of said town shall be due and collectible at any time after the first day of September of each year, and the commissioners of said town may expend all moneys so collected as they deem for the best interests of the town, except where taxes are levied and collected for special purposes, and in those cases said taxes shall be applied only to the purposes for which they were levied and collected.

Appointment of tax collector.

Bond.

Books subject to correction and open for inspection.

When taxes due.

Application of taxes.

Sec. 9. That on or before the first Monday in February in each year the tax collector of said town shall account to the town treasurer, or other lawful officers, for all taxes due for the fiscal year, and on failing to do so he shall pay to the town treasurer a penalty of two per centum per month on all sums unpaid: *Provided*, the board of commissioners may in their discretion relieve said tax collector of said penalty upon payment in full of the town taxes within a time to be specified by said board: *Provided further*, that said commissioners may extend the time of settlement of said tax collector to the first Monday in May.

Date of settlement.

Penalty.

Proviso: penalty may be remitted.

Proviso: time may be extended.

Sec. 10. That the board of commissioners of said town shall have power to grade, macadamize and pave the streets and sidewalks, and lay out and open new streets, or widen those already opened, and to make such improvements thereon as the public convenience may require, and that the board shall be the sole judges of the improvements required. The board may condemn any land for public use under the same rules and regulations as are hereafter provided for the laying out of public streets in this act.

Powers of commissioners as to streets.

Land condemned for public use.

Sec. 11. That when any land or right-of-way be required for the purpose of opening new streets, or for other objects allowed by this charter, and for want of agreement as to the compensation therefor, the same may be taken at a valuation to be made by three freeholders of the town, one to be chosen by the board of commissioners and one to be selected by the land-owner, and these two select a third, and in case the land-owner refuses to select one, then the commissioners shall select all three; and in making said valuation said freeholders, after being duly sworn by the mayor, shall at once proceed to condemn said lands and take into consideration the loss or damage which may accrue to the owner in consequence of the lands, or right-of-way, being surrendered; also any benefit or advantage such owner may receive

Procedure for condemnation of land.

from the opening or widening of such streets, or other improvements, and ascertain the sum which shall be paid the owner of said property, and report the same to the board of commissioners under their hands and seals, which, on being confirmed by the board and spread on their minutes, shall have the effect of a judgment against said board of commissioners and shall pass the title to the board of commissioners in their corporate capacity of the lands so taken, and the lands may at once be condemned and used by said town for the purpose intended: *Provided*, that if any person over whose land the said street may pass, or improvements be created, or the commissioners be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of the Superior Court, within ten days after filing said report: *Provided, however*, that such appeal shall not hinder or delay the commissioners from opening or widening such streets, or creating such improvements.

Proviso: appeal.

Proviso: appeal not to delay action.

Pay of jury of view.

Penalty for refusal to act.

Sec. 12. That all freeholders to assess damages shall receive one dollar per day for their services, and any freeholder who shall refuse to take the oath prescribed and to act according to law, after having been duly appointed by the board and after having been notified in writing by the marshal, shall be deemed guilty of a misdemeanor and fined twenty dollars for each offense by the mayor.

Terms of office.

Sec. 13. That all officers elected at any election in the town of Albemarle shall hold office for the term of two years and until their successors are elected and qualified; that in the absence of any officer of the town, or during sickness of any of the officers, the commissioners may appoint a man to fill the office during his absence, or during his inability, and no longer. If the absence be caused by resignation, the board may appoint an officer to fill the unexpired term.

Absence of officers.

Secretary or clerk and treasurer.

Bond of treasurer.

Sec. 14. That the commissioners shall, at their first meeting after being qualified, elect for the ensuing term a secretary, or clerk, and a treasurer, and that the treasurer shall enter into a bond, payable to the State, the amount of which shall be fixed by the board, and that said bond shall be recorded in the office of the Register of Deeds for Stanly County, as other bonds for county officers.

Fire company.

Sec. 15. That the commissioners may provide for the establishment and equipment of a fire company for said town.

Sanitary committee.

Sec. 16. That the commissioners of said town shall constitute a sanitary committee, and that all orders made by them for the preservation of the health of all the citizens of the town shall be put into effect by the marshal. Any person who shall fail to comply with any order made by the board, after having been notified in writing by the marshal, shall be deemed guilty of a misdemeanor and fined by the mayor for each and every offense not less than five dollars, nor more than fifty dollars.

Arrests without warrant.

Sec. 17. That if any person shall be found violating the laws of this State or any of the town ordinances by the marshal, or other officer appointed to act as such within the incorporate limits, he shall forthwith arrest the offender without a warrant, and immediately carry him before the trial justice of said town to answer the charge and be dealt with according to the law.

Fire limits.

Sec. 18. The board of commissioners are hereby authorized and empowered to establish a fire limit within a reasonable distance from the center of the town, and to pass an ordinance, or ordinances, to the effect that none other than brick, or stone, or metal buildings shall be built or erected within said limits; and that they may repeal said ordinances at any time they may deem it necessary for the interest of the town and property-holders therein.

Chain-gang.

Sec. 19. The commissioners of said town of Albemarle are hereby authorized and empowered in their discretion to organize a "chain-gang" in said town and work the streets by convict labor. The chairman of said board of commissioners, together with the concurrence of other members, shall have full control of and make all orders concerning the working of said streets that they may deem necessary for the improvement of the same: *Provided*, that the said board of commissioners are hereby authorized and empowered to make any orders that may be necessary for the purpose of compelling convicts to perform reasonable duty, as may be directed by the overseer of said "chain-gang," said overseer to be appointed by said board of town commissioners at a salary to be fixed by them.

Proviso: regulations and overseer.

Convicts may be sentenced to chain-gang.

Sec. 20. The judges of the different terms of the Superior Court of Stanly County are authorized and empowered to sentence convicts to work on the Albemarle "chain-gang" from said court, unless there be more than the town can use, then, in that event, he or they may sentence them to any other point allowed by law, except so many as the town may call for.

Safe-keeping of convicts.

Sec. 21. The board of town commissioners shall provide a place of safe-keeping for convicts at all times while not on duty.

Mayor pro tem.

Sec. 22. That the board of commissioners of said town shall have power to elect a mayor *pro tem.*, who, on the death, absence, failure to qualify, resignation, or removal of the mayor, shall be vested with all the powers and discharge all the duties of the said mayor.

Penalty on commissioners for failure to attend meetings.

Sec. 23. That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or call meeting, of which he shall have had notice, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town one dollar for each and every offense, and it shall be the duty of the trial justice to enforce such forfeitures as in all other criminal actions.

Trial justice.

Sec. 24. That the Board of Commissioners of the Town of Albemarle at their first meeting after their election in May, one thousand nine hundred and seven, and their successors in office every two years thereafter, shall elect a trial justice, whose office shall continue for two years and until his successor is duly elected and qualified. In case of a vacancy in said office the board of commissioners shall elect another trial justice to fill out the unexpired term.

Term of office.

Trial justice to qualify.

Sec. 25. That said trial justice should be *ex officio* justice of the peace, and before assuming the duties of his office shall take the usual oaths required by law to be taken by the justice of the peace, and also an oath to honestly and faithfully perform the duties of his office; said oath shall be recorded in the office of the secretary or clerk of the board of commissioners.

Jurisdiction of trial justice.

Sec. 26. That said trial justice, while acting as such, is hereby constituted an official court with all the jurisdictions and powers in criminal offenses occurring within the limits of said town, to within one mile outside of the incorporate limits of said town, which will now, or may hereafter, be given by law to the justice of the peace, and he shall also have exclusive jurisdiction to hear, try and determine all misdemeanors consisting of a violation of the ordinances of said town; he shall also have jurisdiction to hear, try, and determine all actions or proceedings for the recovery of fines, penalties, or forfeitures under this charter and for the violation of any ordinance now in force, or which may hereafter be enacted by the governing board of said town. Whenever a defendant shall be adjudged to be imprisoned by said court it shall be competent to sentence such person to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such person, during the term of his imprisonment, be worked on the streets, or other public works of said town.

Convicts sentenced to public work.

Salary and fees.

Sec. 27. That the said trial justice shall receive for his salary such fees as he may lawfully receive by virtue of his office, and he may receive such other salary as may be fixed by the board of commissioners.

Jurisdiction of mayor transferred to trial justice.

Sec. 28. That all jurisdictions, duties, powers and rights heretofore conferred upon the mayor of said town, as a justice of the peace *ex officio*, or as an official court, whether by the laws of the State or by the ordinances of said town, are hereby transferred to and conferred upon the said trial justice and his successors in office. This section shall be in full force and effect after the said trial justice shall be elected and qualified, as hereinbefore provided.

Powers and authority of mayor.

Sec. 29. That the mayor of said town shall have full power and authority to administer oaths or affirmations, and all oaths required by law to be taken by the commissioners, school commissioners, police or other officers of said town, may be administered by the mayor, and he shall continue to have all other rights and

powers herein or heretofore conferred upon the mayor of said town, except those which are herein expressly given to the said trial justice. It shall be the duty of the mayor to have general supervision over the streets, public water supply, town lights, security, health, cleanliness and fire protection, and police authority of the town. And he shall recommend to the board of commissioners, from time to time, the adoption of such measures as will promote the interest of the town and its inhabitants.

Special subjects of taxation.

Sec. 30. That in order to raise funds for the expenses incident to the proper government of the town of Albemarle, the board of commissioners of said town are hereby authorized and empowered as in their judgment they may see fit and proper, not inconsistent with the laws of the State, to annually levy and collect taxes from circuses, shows, liquor dealers, theatres, and entertainments, musical or otherwise, artificial curiosities, venders of patent proprietary medicines, exhibits of any character for money or reward, peddlers of all kinds of goods, wares, merchandise, paints, polishes, varnishes, oils, draymen, liverymen, sales-stables, barbers, photographers, restaurants, and all other things and subjects which are now or may hereafter be taxed by the revenue laws of this State, not exempt by said laws from taxation by cities and towns.

Salary of mayor.

Sec. 31. That the commissioners may allow the mayor such reasonable salary as they may see fit and proper, the amount depending upon the services rendered.

Bond of marshal.

Sec. 32. The marshal appointed by said board of commissioners shall enter into a bond payable to the State of North Carolina, the amount of which shall be approved and fixed by the board of commissioners, and said bond shall be recorded in the office of the Register of Deeds for Stanly County. Said board of commissioners, or the mayor, shall have power to appoint such special policemen for the town of Albemarle, from time to time, as in their judgment they may deem necessary.

Special policemen.

Town elections.

Sec. 33. That an election shall be held in the town of Albemarle on Tuesday after the first Monday of May, one thousand nine hundred and seven, and biennially thereafter, for the election of all elective officers herein provided, under chapter seven hundred and fifty, Public Laws of one thousand nine hundred and one, and acts amendatory thereof. That the mayor and commissioners now in office shall hold office until the next regular election on Tuesday after the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified.

Ordinances.

Sec. 34. That the board of commissioners shall have power to enact any ordinance, or ordinances, and to pass all laws and regulations not incorporated in this charter they may deem necessary for the better government of the town, not inconsistent with the laws and Constitution of the State.

Inconsistent acts repealed.

Sec. 35. That all laws and clauses of laws heretofore enacted inconsistent with this charter and all other laws conflicting with this act, are this day repealed, and this charter substituted.

Election on bond issue.

Sec. 36. That the Board of Commissioners for the Town of Albemarle are hereby authorized and empowered to cause an election to be held at the various polling places in said town at any time, and as many times, as said commissioners may appoint, and to submit to the qualified voters of said town the question of issuing

Amount.

bonds, not to exceed in amount the sum of fifty thousand dollars, for the purposes and under the provisions hereinafter named in

Special tax.

this act, and levying and collecting annually a special tax to provide for the payment of the interest thereon, and to provide a sinking fund for the payment of the principal of said bonds when

Notice of election.

they shall become due. And said election, or elections, shall be advertised by the commissioners of said town for thirty days prior to the day of election in some newspaper published in said town, and shall be held under the same rules and regulations as are prescribed by law for the election of mayor and commissioners of said town. And said commissioners shall specify in each advertisement for election on the issuing of bonds under this act the amount of bonds to be voted for at such election, and the purpose for which they are to be issued; and those who are in favor of issuing the amount of bonds specified in any advertisement calling an election for said purpose, and levying and collecting said

Form of ballots.

special tax, shall vote a written or printed ticket with the words "For Bonds" thereon, and those who oppose shall vote a written or printed ticket with the words "Against Bonds" thereon.

Apportionment of proceeds, if bonds are voted for.

Sec. 37. That the proceeds arising from the sale of said bonds shall be applied to the establishment of such a system of waterworks in said town as the commissioners may deem proper; for electric, gas or other lights in said town; for grading, macadamizing, paving, widening, straightening, or otherwise improving the streets of said town as the commissioners may deem proper; for constructing and establishing a sewerage system, and for building an auditorium at the graded school building, and otherwise enlarging and improving said school building, as the school commissioners and the town commissioners shall deem proper; and for building a town or city hall; all, or any part of the proceeds of the bonds herein provided to be issued, may be used for either one, or may be divided among all the purposes above named, as the board of commissioners of said town may deem proper, but the proceeds of no bonds shall be applied to any purposes other than that for which the same were issued, as specified in the advertisement calling for the election under which they were issued.

Bonds to be issued.

Sec. 38. If a majority of the qualified voters of said town, at any election called under this act, shall vote "For Bonds," then the commissioners for said town shall issue coupon bonds not to exceed in amount the sum voted for at said election, and in de-

nominations of not less than five hundred dollars, and not more than one thousand dollars, bearing interest from the date of the bonds at a rate not exceeding six per centum per annum, payable semi-annually at some bank designated in said bonds, on the first days of January and July of each year until said bonds are paid. The said bonds shall be made payable at the expiration of not more than forty years from the date thereof. The bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of said town and countersigned by the clerk of the board of commissioners; and a record shall be kept of all bonds, showing the number, amount, and to whom sold. The coupons shall be received in payment of all taxes, fines and debts due said town. Said bonds shall be sold for not less than their par value.

Denominations.

Interest.

How bonds authenticated.

Coupons receivable for taxes.

Bonds not to be sold below par.

Sec. 39. In order to pay the interest on said bonds the commissioners for said town are hereby authorized and it shall be their duty to annually compute and levy, at the time of levying other taxes of said town, a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation mentioned in the charter of the town of Albemarle, and acts amendatory thereto, which shall be returned or listed for general taxation in said town, with which to regularly and promptly pay the interest on said bonds; said taxes shall be collected in the same manner and at the same time the other taxes of said town are collected, and shall be paid over by the town tax collector to the treasurer of said town, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former officer for collecting and paying over, and the latter for the safe-keeping and proper disbursement of said funds.

Special tax for interest.

Sec. 40. That the taxes levied and collected for the purposes specified in section thirty-nine of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for which they were levied and collected, and any mayor or commissioners who shall appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for next succeeding year, and said commissioners, at the time of levying taxes for payment of interest for said next succeeding year, shall take into consideration said excess and compute and levy said taxes accordingly.

Fund to be kept separate.

Misappropriation a misdemeanor.

Proviso: application of surplus.

Sec. 41. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of said commissioners, ten years before the maturity of

Special tax for sinking fund.

any bonds issued under this act, to annually levy and collect a special tax, in addition to that mentioned in section thirty-nine of this act, and the tax provided for in this section shall equal in amount one-tenth of the amount of bonds issued under this act; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, as provided in section forty-two of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said commissioners shall cease to levy taxes for said sinking fund.

Investment of sinking fund.

Sec. 42. That it shall be the duty of said commissioners to annually invest any and all money arising from the special tax collected under section forty-one of this act in the purchase of any of said bonds at a price deemed advantageous to said town by said commissioners, but in case said bonds cannot be purchased as herein provided, the said commissioners may lend said sinking fund, or any part thereof, in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking for security for the repayment thereof and for the payment of the interest thereon, mortgages or deeds in trust in the name of the mayor, or sufficient real estate, or bonds issued under this act may be taken as collateral security for such loans. The notes, or other evidences of debt, given for any loan under this section, shall be executed to and in the name of the Commissioners of the Town of Albemarle, and shall bear interest, payable annually, at a rate not less than six per centum per annum; and in case the commissioners for said town shall not be able to invest any or all of said money annually, as directed above, they may, and it shall be their duty to cause such part as they are unable to invest to be deposited with some bank, trust company or safe deposit company of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investments as above directed shall be re-invested in the manner as above provided. Any mayor or commissioner of said town who shall be personally interested, directly or indirectly, in any loan, shall be guilty of a misdemeanor.

Personal interest of mayor or commissioner a misdemeanor.

Sec. 43. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1907.

CHAPTER 72.

AN ACT TO AUTHORIZE THE TOWN OF WARRENTON TO ISSUE BONDS FOR PUBLIC IMPROVEMENTS AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Warrenton is hereby authorized and empowered to issue bonds, in the name of the town of Warrenton, in such denominations and forms as it may determine, to an amount not exceeding eight thousand dollars, payable at such time or times and such place or places as the board of commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than twenty years from their date. Bond issue authorized. Denomination. Amount.

Sec. 2. That the said bonds shall bear interest at no greater rate than six per centum per annum, and the interest shall be payable annually or semi-annually, as the board of commissioners may prescribe, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Interest. Bonds not to be sold below par.

Sec. 3. The said bonds shall be signed by the mayor, attested by the town clerk and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, and the coupons shall be receivable in payment of town taxes. That, for the purpose of paying said bonds at maturity and said coupons as they become due, it shall be the duty of the board of commissioners, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and at the time and in the manner as other taxes are collected under said charter: *Provided*, that the total rate of taxation allowed for the special purposes set forth in this act shall not exceed twenty cents on each one hundred dollars valuation of property and sixty cents on each taxable poll: *Provided further*, that the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and interest coupons as they may become due, and it shall be the duty of the town treasurer, as said coupons are taken up and paid off, to cancel the same and report not less than twice a year to the board of commissioners the number and amounts of the coupons so cancelled. How bonds authenticated. Coupons receivable for taxes. Special tax for interest and sinking fund. Proviso: rate. Proviso: disposition of taxes.

Sec. 4. That the board of commissioners shall not issue said bonds, nor any of them, nor levy or collect said tax until they shall have been authorized and empowered so to do by a majority of the qualified voters of said town at an election to be held at such time as said board may appoint, of which election notice shall be given for not less than twenty days in some newspaper pub- Bond issue to be voted on. Notice of election.

lished in said town; and at such election those favoring the issue of said bonds and the levy and collection of the tax for the payment of said bonds and coupons shall vote a ballot upon which is written or printed the word "Improvements," and those opposing the same shall vote a written or printed ballot containing the words "No Improvements." Said election shall be held under the same rules and regulations as elections for mayor and other town officials: *Provided*, that the board of commissioners may in its discretion order a new registration of voters: *Provided further*, that a failure of the voters to ratify this act in any election held as aforesaid shall not prevent the board of town commissioners in its discretion to cause a subsequent election to be held for the same purpose.

Form of ballots.

Proviso: new registration.

Proviso: subsequent elections.

Application of bonds.

Sec. 5. That the said bonds and the proceeds from the sale of the same shall be used by the board of commissioners for the following purposes and for no other purpose, to-wit: to build a town hall, market-house and other necessary public buildings and to furnish and equip the same: *Provided*, that the purchasers of said bonds shall in no respect be held responsible for the application of said bonds.

Proviso: responsibility of purchasers.

Commissioners to control work.

Sec. 6. That the said board of commissioners shall have entire supervision and control of any and all of the works established under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper, and pay the same from any of the revenues of the town not otherwise appropriated, and do all other proper things to carry into effect the true intent of this act.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1907.

CHAPTER 73.

AN ACT TO INCORPORATE HENDERSONVILLE LAKE, LAND AND POWER COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That W. A. Smith, W. A. Garland, M. C. Toms, Theo. G. Barker and others, their associates, successors and assigns, shall be and are hereby constituted a body politic and corporate for ninety-nine years from and after the ratification of this act, under the name of the Hendersonville Lake, Land and Power Company, and in that name and style shall have the right to sue and be sued, plead and be impleaded, contract and be contracted with, of having a corporate seal, with a right to change same at

Term.

Corporate name.

Corporate powers.

pleasure, of making and enforcing such by-laws and regulations as may be deemed by them expedient and necessary for the purpose of the incorporation in consistency with the laws of this State, and of altering, amending and repealing the same from time to time, together with all other rights, privileges, powers, franchises and immunities granted to corporations by the general laws of North Carolina, and also all the rights, privileges, powers, franchises and immunities specified in this act.

Right to construct dams.

Sec. 2. That the said company shall have the right, power and privilege to construct and maintain a dam or dams across Mud Creek, in Henderson County, and across any of its tributaries, for the purpose of ponding and storing the water for water-power and lakes, to be used either as a water supply or as a motive power for any machinery, power plant, mill or factory that the said company may desire to operate, and as a motive power to generate electricity for electric lights and street cars, and other machinery, for heating and other purposes for which electricity may be used

Railways. Street railways. Telephone and telegraph lines. Roads, streets and avenues.

Sec. 3. The said company shall have the right to construct railways and street railways to be operated by electricity and other power; to construct, purchase and operate telephone and telegraph lines; to construct and operate boulevards and automobile roads, streets and avenues; to purchase, own and convey all kinds of property, real, personal or mixed; to construct, build and operate boats and other water vessels; to improve such real estate as it may purchase or acquire, by the construction of buildings, and by any other means not unlawful, and for such enterprises as it may install and build it may charge reasonable fares, compensations and tolls not prohibited by law. For the purpose of conducting, carrying and conveying electricity for telephone, telegraph and all other purposes, the said company shall have the right and privilege of placing its poles and lines, and maintaining them, along any of the public roads in the said State.

Right to condemn lands.

Sec. 4. That the said company shall have the right and privilege of entering upon and occupying any and all lands necessary for building, maintaining and operating its said dams, water and motive power, street railways, electric lights, telephone and telegraph lines, boulevards, avenues and streets, together with a strip of land two hundred feet wide all the way along the lake shore at high-water mark, for the purpose of building a boulevard, electric-car line, telephone, telegraph and electric-light lines, and for the protection of the lake, and for any of the purposes necessary and contemplated in this act; whenever and as often as an agreement cannot be had between the said company and the owner or owners of any such lands as to the terms upon which the said lands may be purchased and used by the said company, the said company shall have the right to have such lands condemned and to acquire title thereto in the means and by the special proceedings hereinafter provided for: *Provided, however*, that the right to

Proviso: limit.

condemn this two hundred feet strip shall be so limited in its operation that no land shall be taken, the condemnation of which will necessarily interfere with the rights of other electric companies already planned.

Condemnation of lands damaged by back-water.

Sec. 5. That whenever and as often as the building and maintaining of any dam by the said company, as provided for in sections hereinbefore, shall cause the back-water to flood and pond upon lands other than its own, or whenever in the course of the construction of any such dam it becomes evident and certain that the back-water from such dam, when completed, will flood and pond upon the lands of others, and an agreement cannot be had between the said company and the owners of such lands, or those entitled to the beneficial interest therein, as to the terms upon which said lands may be purchased or used by said company, the said company shall have the right to have such lands condemned and shall acquire title thereto in the manner and by the special proceedings hereinafter provided: *Provided*, that in all cases when lands shall have been condemned during the process of the construction of any such dam, the said company shall not acquire title to any such lands until the dam or dams shall have been actually completed, and such lands shall have been actually flooded by the back-water.

Proviso: when title to vest.

Procedure for condemnation.

Sec. 6. That whenever and as often as the said company shall need the lands of others for its use as hereinbefore provided, it may proceed in the manner provided for the condemnation of lands for railroads, as further set out in the Revisal of one thousand nine hundred and five, chapter sixty-one, sections two thousand five hundred and seventy-nine to two thousand five hundred and ninety-six, inclusive: *Provided further*, that as soon as the said company shall have prosecuted such condemnation proceedings as set forth in said chapter and paid the amount of the appraisement into court, then it shall have the right to immediately take possession of such land, and any litigation shall not interfere with the immediate seizure and use of said land to be condemned by said company, and work on any dam, street or any improvement contemplated herein shall not be delayed by reason of such litigation.

Proviso: right of possession.

Liability of stockholders.

Sec. 7. The stockholders of said corporation shall not be individually liable for its debts.

Right to borrow money.

Sec. 8. The said corporation shall have the right to borrow money in any such manner as it may see fit, and in particular by the issue of bonds to be secured by mortgage or mortgages upon any or all of the said company's property and franchises, both present and future.

Right to acquire and hold property.

Sec. 9. The said corporation shall have the right and power of acquiring, holding and selling stock of other corporations, both domestic and foreign, and the right and power of purchasing, leasing or otherwise acquiring the property or properties of other

corporations, and of operating the same, with all the rights and privileges of the corporation whose property or properties shall have been acquired.

Principal office. Branch offices. Business of company.

Sec. 10. That the principal office of the company shall be at Hendersonville, North Carolina, but it may have branch offices at other places, in and out of the State. The business of the company shall be to generate power, use the power for purposes mentioned in the preceding sections, also to conduct the business generally of buying and selling real estate and improving the same, as well as making the lake a matter of attraction to Hendersonville as a health and pleasure resort, and performing all such things as may be to the advantage of the public and profitable to the company.

Capital stock.

Sec. 11. The total authorized capital stock of this company shall be one hundred and twenty-five thousand dollars, divided into shares of five dollars each, which may, by an order of the stockholders entered upon their records, be issued as the interests of the company may require, and may be divided into preferred and common stock, as may be determined by the company, and the dividends on the preferred stock shall be fixed by the company and specified in the certificate of stock. The capital stock of the company may be increased by an amendment under the general law taken out before the Secretary of State. The names and post-office addresses of the subscribers for stock, and the number of shares subscribed for by each, the aggregate of which being the amount of capital stock with which the company will begin business, are as follows:

Stockholders.

W. A. Smith, Hendersonville, N. C., twenty shares; C. Fitzsimmons, Columbia, S. C., twenty shares; T. G. Barker, Charleston, S. C., twenty shares; B. Sam Coxe, Columbia, S. C., twenty shares; P. E. Braswell, Hendersonville, N. C., ten shares; H. S. Anderson, Hendersonville, N. C., ten shares; Bly Bros., Hendersonville, N. C., ten shares; C. S. Clarke, Hendersonville, N. C., ten shares; A. B. Drafts, Hendersonville, N. C., ten shares, Few & Justus, Hendersonville, N. C., ten shares; W. A. Garland, Hendersonville, N. C., ten shares; William Hewitt, Hendersonville, N. C., ten shares; Sam. T. Hodges, Hendersonville, N. C., ten shares; W. H. Hawkins & Son, Hendersonville, N. C., ten shares; M. T. Justus, Hendersonville, N. C., ten shares; J. H. Jordan, Hendersonville, N. C., ten shares; G. S. Jones, Hendersonville, N. C., ten shares; L. B. Morse, Hendersonville, N. C., ten shares; P. F. Patton, Hendersonville, N. C., ten shares; U. G. Staton, Hendersonville, N. C., ten shares, J. W. Smathers, Hendersonville, N. C., ten shares; M. C. Toms, Hendersonville, N. C., ten shares; C. F. Toms, Hendersonville, N. C., ten shares; J. W. Holland, Hendersonville, N. C., five shares; J. P. Hyder, Hendersonville, N. C., five shares; J. W. Bishop, Hendersonville, N. C., five shares; Mr. and Mrs. N. Buckner, Asheville, N. C., five shares; A. R. Guerard, Flat

Rock, N. C., five shares; G. J. Lambeth, Hendersonville, N. C., five shares; J. F. Roweland, Hillgirt, N. C., five shares; W. Scheppegrell, New Orleans, La., five shares; O. V. F. Blythe, Hendersonville, N. C., five shares; Claude Brown, Hendersonville, N. C., five shares; J. D. Boyd, Hendersonville, N. C., five shares; Mrs. H. H. Baker, Hendersonville, N. C., five shares; Bennett Bros., Hendersonville, N. C., five shares; Guy E. Dixon, Hendersonville, N. C., five shares; W. J. Davis, Hendersonville, N. C., five shares; E. W. Ewbanks, Hendersonville, N. C., five shares; W. F. Edwards, Hendersonville, N. C., five shares; J. L. Egerton, Hendersonville, N. C., five shares; C. S. Fullbright, Hendersonville, N. C., five shares; John Grimes, Hendersonville, N. C., five shares; F. V. Hunter, Hendersonville, N. C., five shares; Bryson & Heffner, Hendersonville, N. C., five shares; T. C. Israel, Hendersonville, N. C., five shares; C. C. Jordan, Hendersonville, five shares; Brownlow Jackson, Hendersonville, N. C., five shares; S. Johnston, Hendersonville, N. C., five shares; E. J. S. Lupton, Hendersonville, N. C., five shares, J. A. Maddrey, Hendersonville, N. C., five shares; K. G. Morris, Hendersonville, N. C., five shares; John Orr, Hendersonville, N. C., five shares; R. M. Oates, Hendersonville, N. C., ten shares; S. V. Pickens, Hendersonville, N. C., five shares; Mrs. S. V. Pickens, Hendersonville, N. C., five shares; H. C. Perkins, Greenville, S. C., five shares; Hiram Pace, Hendersonville, N. C., five shares; J. P. Rickman, Hendersonville, N. C., five shares; T. M. Smith, Hendersonville, N. C., five shares; Stepp Undertaking Co., Hendersonville, N. C., five shares; Thomas Shepherd, Hendersonville, N. C., five shares; E. G. Stillwell, Hendersonville, N. C., five shares; Mrs. W. C. Stradley, Hendersonville, N. C., five shares; J. B. Sherman, Hendersonville, N. C., five shares; G. H. Valentine, Hendersonville, N. C., five shares; J. Williams, Hendersonville, N. C., five shares; J. W. Wofford, Hendersonville, N. C., five shares; W. P. Williams, Hendersonville, N. C., five shares; C. E. & E. G. Wilson, Hendersonville, N. C., five shares; L. W. Walker, Hendersonville, N. C., five shares; J. G. Waldrop, Hendersonville, N. C., five shares; Burckmyer Bros., Hendersonville, N. C., four shares; Mrs. A. E. Posey, Hendersonville, N. C., four shares; Walker A. Smith, Hendersonville, N. C., three shares; W. R. Kirk, Hendersonville, N. C., three shares; J. N. Witchen, Jacksonville, Fla., three shares; R. W. Gurley, Hendersonville, N. C., two shares; Nel Gurley, Hendersonville, N. C., two shares; J. R. Hills, Hendersonville, N. C., two shares; J. Logan Pace, Knoxville, Tenn., two shares; S. J. Thomas, Lynchburg, Va., two shares; A. B. Blackwell, Canton, N. C., one share; T. A. Allen, Jr., Hendersonville, N. C., two shares; A. W. & G. P. Barnett, Hendersonville, N. C., two shares; O. E. Blythe, Hendersonville, N. C., two shares; W. P. Bartlett, Hendersonville, N. C., two shares; J. S. Brown, Hendersonville, N. C., two shares; C. E. Brooks, Hendersonville, N. C., two shares; Joseph Crowder, Hen-

dersonville, N. C., two shares; H. H. Carson, Hendersonville, N. C., two shares; John Coxe, Hendersonville, N. C., two shares; T. B. Carson, Hendersonville, N. C., two shares; J. D. Davis, Hendersonville, N. C., two shares; Ira J. Davis, Hendersonville, N. C., two shares; W. F. Dotson, Hendersonville, N. C., two shares; Ernest L. Drake, Hendersonville, N. C., two shares; E. L. Ewbank, Hendersonville, N. C., two shares; J. P. Embler, Hendersonville, N. C., two shares; Flynn & Ramsay, Hendersonville, N. C., two shares; R. P. Freeman, Hendersonville, N. C., two shares; W. A. Garren, Hendersonville, N. C., two shares; Mrs. A. M. Gover, Hendersonville, N. C., two shares; R. B. Grinnan, Hendersonville, N. C., two shares; William Hill, Hendersonville, N. C., two shares; *The Hustler*, Hendersonville, N. C., two shares; H. H. Hudgins, Hendersonville, N. C., two shares; H. D. Hyder, Hendersonville, N. C., two shares; R. M. Ivins, Hendersonville, N. C., two shares; E. W. Israel, Hendersonville, N. C., two shares; S. M. King, Hendersonville, N. C., two shares; A. F. P. King, Hendersonville, N. C., two shares; W. A. Keith, Hendersonville, N. C., two shares; A. R. Love, Hendersonville, N. C., two shares; D. M. Littaker, Hendersonville, N. C., two shares; R. V. Miller, Hendersonville, N. C., two shares; J. C. Morrow, Hendersonville, N. C., two shares; Joseph McCrary, Hendersonville, N. C., two shares; D. S. Pace, Hendersonville, N. C., two shares; J. H. Ripley, Hendersonville, N. C., two shares; J. S. Rhodes, Hendersonville, N. C., two shares; J. M. Rhodes, Hendersonville, N. C., two shares; Staton Bros., Hendersonville, N. C., two shares; B. S. Smith, Hendersonville, N. C., two shares; V. C. V. Shepherd, Hendersonville, N. C., two shares; Charles Sunofsky, Hendersonville, N. C., two shares; F. S. Thomas, Hendersonville, N. C., two shares; J. T. Thompson, Hendersonville, N. C., two shares; *The Times*, Hendersonville, N. C., two shares; J. D. Waldrop, Hendersonville, N. C., two shares; Manning Williams, Hendersonville, N. C., two shares; S. M. McCall, Hendersonville, N. C., one share; R. W. Bryant, Asheville, N. C., one share; W. G. Justice, Arden, N. C., one share; E. V. Justice, Newberry, S. C., one share; R. K. Stepp, Hendersonville, N. C., one share; Robert Carter, Hendersonville, N. C., one share; A. Cannon, Hendersonville, N. C., one share; John Ewbank, Hendersonville, N. C., one share; C. Few, Jr., Hendersonville, N. C., one share; Ben. Few, Hendersonville, N. C., one share; G. G. Hyder, Hendersonville, N. C., one share; J. A. Hatch, Hendersonville, N. C., one share; Wade Jackson, Hendersonville, N. C., one share; S. K. Bredding & Co., Hendersonville, N. C., one share; J. A. Laughter, Hendersonville, N. C., one share; J. A. Maxwell, Hendersonville, N. C., one share; Fred McCurry, Hendersonville, N. C., one share; A. J. Newman, Hendersonville, N. C., one share; W. C. Rector, Hendersonville, N. C., one share; W. A. Smith, Jr., Hendersonville, N. C., one share; Southern Garren, Hendersonville, N. C., two shares.

Officers and directors.

Sec. 12. The officers of this company shall consist of a president, as many vice-presidents as the stockholders may determine, a board of directors with as many members as the stockholders may determine, and a secretary and a treasurer.

By-laws.

Sec. 13. The by-laws of this company shall be made, ratified, changed or repealed by the directors, in all matters not forbidden by the company.

Payment of subscriptions.

Sec. 14. That the stock subscribed for by the stockholders shall be paid in assessments as called for by the directors, and the by-laws may provide for a forfeiture of assessments paid by members who fail to pay all their assessments, as required by the directors.

Sec. 15. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1907.

CHAPTER 74.

AN ACT TO AMEND THE CHARTER OF THE PEOPLES BANK AND TRUST COMPANY, OF SALISBURY, N. C.

Preamble.

Whereas, R. Lee Wright, N. B. McCanless, J. D. Norwood, D. R. Julian, John S. Henderson and T. M. Kern, for themselves and their associates, under chapter two hundred and seventy-five, Public Laws one thousand nine hundred and three, filed with the Secretary of State of North Carolina articles of agreement and plan of incorporation of a corporation styled "Peoples Bank and Trust Company," and on October the thirty-first, one thousand nine hundred and five, the Secretary of the State of North Carolina granted and issued letters of incorporation to the said Peoples Bank and Trust Company, of the city of Salisbury, N. C., to do a general banking business in said city, with a paid-in capital of sixty thousand dollars, and an authorized capital of one hundred thousand dollars, a copy of which said charter and letters of incorporation is recorded in the clerk's office of the Superior Court of Rowan County, in record of incorporation number two, page two hundred and thirty-one; and whereas, on April the seventh, one thousand nine hundred and six, an amendment was granted to the aforesaid charter by the Secretary of the State of North Carolina to increase its paid-in capital stock from sixty thousand dollars to seventy-five thousand dollars, a copy of which is recorded in the office of the Clerk of the Superior Court of Rowan County, in record of incorporation number two, page two hundred and seventy-eight; and whereas, said corporation desires to further amend its charter, and a resolution to that effect hav-

ing been unanimously passed by its board of directors on January the fourteenth, one thousand nine hundred and seven: now, therefore,

The General Assembly of North Carolina do enact:

Incorporation under general law ratified.

Section 1. That the creation, incorporation and organization of said corporation, under the name of the Peoples Bank and Trust Company, for the purposes and upon the terms and conditions and with the rights, powers and privileges set forth in said articles of agreement and plan of incorporation and organization, and as above referred to, is hereby ratified, approved and confirmed.

Deposits for safe-keeping.

Sec. 2. That in addition to the powers, privileges and rights granted said corporation in its original and amended charter, as above referred to, said corporation shall have the power, right and authority to receive on deposit, for safe-keeping, gold, silver, paper money, bullion, precious metals, jewels, plate, certificates of stock, evidences of indebtedness, deeds or muniments of title, or other valuables of any kind, and charge commission or compensation therefor. It may also guarantee or become surety upon any official or other bond, or undertaking required or authorized by law, and it may likewise guarantee or become surety upon all kinds of fiduciary bonds or undertakings made by those having possession, custody or control, or who may come into possession, custody or control of trusts, money or funds, either as guardian, executor, administrator, collector, receiver or trustee of any kind, as required or authorized by law.

Guarantee and surety powers.

May act as fiscal agent.

Sec. 3. That said corporation may act as the fiscal or transfer agent of, or trustee for, any State, county, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money, negotiate, sell, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness, or for guaranteeing the payment of such bonds, certificates of stocks, etc., and may charge such premiums, commissions, or rate of compensation as may be agreed on, in and for any of the matters and things hereby authorized.

May act as fiduciary.

Sec. 4. That said corporation shall have power to act as executor, administrator, guardian, trustee, receiver or depositor, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon, or entrusted, or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record. That in all cases when an application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian, it shall be lawful for such court, if it shall think fit, to appoint the Peoples Bank and Trust Company of Salisbury, N. C., such receiver, trustee, administrator,

Appointment authorized.

assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person; and upon such settlement or adjustment, all proper, legal and customary charges, costs and expense shall be allowed to said corporation for its services, care and management in the premises; and the said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian, shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken in order for qualification to any of the offices or trusts above mentioned may be taken by any officer of said company, and the oath prescribed by law may be so modified as to apply to a corporation instead of individuals.

Proviso: oaths.

Liability on bonds.

Sec. 5. That the assets and paid-in capital stock of said corporation shall be liable and responsible for any bond signed by said corporation for any person, firm or corporation while acting in its fiduciary capacity, and the stockholders of said corporation shall be individually responsible, equally and ratably, and not for each other, for all contracts, debts and engagements of such corporation, to the extent of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Individual liability of stockholders.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1907.

CHAPTER 75.

AN ACT FOR THE RELIEF OF LUNA PHILLIPS, OF RANDOLPH COUNTY.

Preamble.

Whereas, Luna Phillips, of Randolph County, in the year one thousand nine hundred and six, taught the public school in district number one, Tabernacle Township, and through misunderstanding continued the term of school for a longer time than prescribed, for which she has not been paid: now, therefore,

The General Assembly of North Carolina do enact:

Amount to be paid.

Section 1. That the Board of Education of Randolph County be and they are hereby authorized and directed to pay Luna Phillips the sum of five dollars from the public school fund of said county now in hand, or hereafter to be collected.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1907.

CHAPTER 76.

AN ACT TO AMEND THE CHARTER OF THE SAVINGS BANK AND TRUST COMPANY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Company may act in fiduciary capacities.

Section 1. That section ten, chapter two hundred and forty-two, Private Acts of one thousand nine hundred and three, incorporating The Savings Bank and Trust Company of Elizabeth City, be and the same is hereby amended by adding after the words "United States" and before the words "and for its services," in line four thereof, the following: "Also said corporation shall have power to become executor or administrator of any deceased person with full power to settle the estate of such deceased person as any individual may under the law; also may become guardian, trustee, assignee or receiver of any person or persons or corporation as any individual may under the law."

Sec. 2. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1907.

CHAPTER 77.

AN ACT TO AMEND THE CHARTER OF THE COMMERCIAL AND SAVINGS BANK OF LEXINGTON, N. C.

The General Assembly of North Carolina do enact:

Insurance department.

Section 1. That the powers now belonging to and heretofore given to the Commercial and Savings Bank of Lexington, North Carolina, under its private charter as certified to by the Secretary of State of North Carolina, be and they are hereby amended and enlarged by authorizing the said company to conduct an insurance department, and act as the agent of any insurance company, whether conducting life, fire, accident or other kind of insurance business, and to solicit business and do such other things as a natural person acting as such agent might do, charging the legal rates and commissions for same. Such powers shall not be exercised until a resolution to that effect be passed by the subscribers to the stock of said Commercial and Savings Bank, and such resolution shall be recorded on the minutes of said company and be kept by its officers open for inspection at all times.

May act as insurance agent.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1907.

CHAPTER 78.

AN ACT TO EXTEND THE CORPORATE LIMITS OF OLD FORT, AND TO INCREASE THE TAX RATE FOR SAID TOWN OF OLD FORT.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That the corporate limits of the town of Old Fort are to be defined and located as follows:

Boundaries.

Sec. 2. Beginning on the southeast corner of the Manney tract of land near the new county bridge across the Catawba River, and running northwestwardly with said Manney's line, crossing the Crooked Creek public road to a stake in the Salisbury line; thence northwestwardly to the Salisbury mill-dam on Mill Creek; thence up said creek, passing second branch to a spruce pine on the north bank of said creek; thence eastwardly to the northwest corner of the white people's cemetery; thence eastwardly and southwestwardly with said cemetery line and the United States Leather Company's line to the Southern Railway; thence with a straight line to the mouth of Butcher's Branch; thence up the various meanderings of the Catawba River to the beginning.

Tax rate.

Sec. 3. The Board of Aldermen of the Town of Old Fort are hereby authorized and empowered to levy an annual tax not to exceed fifty cents on the one hundred dollars of property, and one dollar and a half on the poll, for town purposes.

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1907.

CHAPTER 79.

AN ACT TO INCORPORATE THE TOWN OF RONDA, WILKES COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

General law to apply.

Section 1. That the town of Ronda, in the county of Wilkes, be and the same is hereby incorporated by the name and style of the "Town of Ronda," and shall be subject to all the provisions of law of chapter seventy-three of the Revisal of one thousand nine hundred and five, or other existing laws in reference to incorporated towns.

Sec. 2. That the corporate limits of said town shall extend from the Southern Railway depot, one and one-fourth miles in all directions. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor and four commissioners and a town marshal. That N. E. Purlear is hereby appointed mayor of said town; that H. Ballard is appointed town marshal, and J. A. Poplin, W. H. McElwee, W. A. Stroud and R. L. Hickerson are appointed town commissioners, who shall hold office until the first Wednesday after the first Monday in May, one thousand nine hundred and seven, or until their successors are elected and qualified. Town officers. Officers named.

Sec. 4. There shall be an election held for the officers mentioned in this act on the first Tuesday after the first Monday in May, one thousand nine hundred and seven, and every two years thereafter, under the same laws and restrictions that State and county elections are held. Town elections.

Sec. 5. That said commissioners shall have power to pass all by-laws, ordinances, rules and regulations for the good government of the town and not inconsistent with the laws of the State, or of the United States, and shall have power to collect and levy a tax on all subjects of State taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars valuation of property, real and personal; to impose fines and penalties and collect the same. They shall also have power to elect a clerk, treasurer or other officers they deem necessary, and shall fix the pay of the officers of said town. Powers of commissioners. Tax rate. Clerk, treasurer and other officers.

Sec. 6. That it shall be unlawful to make or sell spirituous, vinous or malt liquors within said town. Prohibition.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1907.

CHAPTER 80.

AN ACT TO CHANGE AND AMEND THE CHARTER OF THE CAROLINA SAVINGS AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of The Carolina Savings and Trust Company, granted by the Secretary of State on September first, one thousand nine hundred and five, be and the same is hereby altered and amended by substituting the following sections in lieu of the charter above referred to: Charter under general law.

Sec. 2. That the Carolina Savings and Trust Company be and is hereby constituted and created a body politic and corporate Corporation.

Corporate name. Corporate powers.

under the name and style of The Carolina Savings and Trust Company, by which name it may sue and be sued, plead and be impleaded, and shall have the right to adopt and use a common seal and make by-laws, rules and regulations as it may deem best for the betterment of said corporation, not inconsistent with the laws of the State, and shall have continued succession for the term of sixty years, with all of the rights and privileges of corporations and banks under the general laws of the State.

Capital stock.

Sec. 3. That the capital stock of said corporation shall be twenty-five thousand dollars ($25,000), divided into five hundred (500) shares of fifty dollars ($50) each, which said capital stock may be increased at any time, or from time to time, by a vote of a majority of the stockholders, to any sum not exceeding one hundred thousand dollars ($100,000): *Provided*, fees for such increase be paid to the Secretary of State as provided by law in such cases.

Additional subscriptions.

Sec. 4. That the stockholders at any general meeting of said corporation may, at their discretion, from time to time, re-open books of subscription to capital stock until the same as herein limited be fully taken. That any individual, corporation, company, co-partnership, *feme covert*, or minor, shall have the right, and the same is hereby given to it or them, to subscribe for and take stock in this corporation. The stockholders of the corporation shall be individually liable, equally and ratably, and not one for another, for all contracts and debts of the corporation to the extent of the amounts of their stock therein at the par value thereof, in addition to the amounts invested in such stock.

Liability of stockholders.

Directors. Officers.

Sec. 5. That the stockholders shall elect such directors as they may deem proper, who shall hold office for one year and until their successors shall be chosen, and said directors shall elect a president, a vice-president and a cashier of said corporation, to serve during their continuance in office. That the president and directors of said corporation may choose and bond all necessary officers and agents and fix their compensation, and require such bonds of officers and agents as they may deem proper, and shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation, and shall prescribe the rules for the conduct of said corporation, consistent with the by-laws established by the stockholders. They may regulate the terms and rate on which discounts and loans may be made and deposits received, not inconsistent with the laws of the State; they shall fill all vacancies occurring in their own board and among the officers and agents of the corporation; they may call meetings of the stockholders whenever they think proper, and at all meetings the stockholders may be represented by proxy, and each share shall be entitled to one vote.

Election and bonds of officers and agents.

Savings bank powers.

Sec. 6. The said corporation is especially invested with the power and authority to carry on and conduct a savings bank business in all its branches; may receive deposits in very small sums,

the limits to be fixed by the board of directors, and may pay interest thereon at fixed rates, according as may be agreed upon between the corporation and its depositors, and the board of directors are hereby fully authorized to make all necessary rules and regulations for carrying into effect the different features of this branch of the corporation.

Pass-books.

Sec. 7. All deposits of money in said savings bank shall be entered in the books of the corporation, and a book shall be given to each depositor, in which the sum deposited shall be entered, and which shall be the voucher or evidence of the property of the depositor in the hands of the corporation. On making his first deposit the depositor shall be required to subscribe his or her name to the regulations and rules of the corporation, and such signature shall conclusively signify his assent thereto. The possession and presentation by any person to whom a pass-book shall have been issued, unless the same has been assigned, shall be sufficient authority to the corporation to warrant any payment made by it, and shall be conclusive evidence as to the right of such person so presenting said pass-book to such payment, and all payments to such persons producing the pass-books issued by the corporation shall be valid payments to discharge the corporation.

Payments on pass-books.

Deposits of minors and married women.

Sec. 8. Whenever any deposit shall be made by or in the name of any person being a minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor and free from all control or lien of any person except creditors, and shall be paid, together with interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be valid and sufficient release and discharge for such deposit or any part thereof to the corporation. And whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing, duly attested, to the corporation, in the event of the death of the trustee, the said deposit, or any part thereof, together with all interest thereon, may be paid to the person for whom the deposit was made.

Deposits by trustees.

Lost pass-books.

Sec. 9. In case the pass-book of a depositor is lost, or the officers of this corporation shall doubt the identity of any person claiming a deposit, or any part of it, or the right of any one claiming to be a representative of any deceased or other depositor, they may require and demand an adequate bond of indemnity against any other claim or demand before paying such deposit or any part of it. But no assignment or transfer of a pass-book and deposit shall be binding on said corporation, or have any legal force or effect, unless said corporation assent in writing to such transfer or assignment.

Assignments of pass-books.

Deposits of trustees and other fiduciaries.

Sec. 10. That any executor, administrator, guardian, receiver or other trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said corporation.

Investments.

Sec. 11. That said corporation shall be and is hereby authorized and empowered to invest its capital stock or the funds of said corporation, or any money or funds that may be deposited with said corporation from time to time, in the stocks, bonds and other securities of the United States, of this or any other State of the United States, or of any corporation, or in any stock or paper whatsoever, and to dispose of the same in such manner as may appear to said corporation to be most advantageous.

General banking powers.

Sec. 12. That said corporation shall be and is hereby empowered to do a general banking business, receive deposits, make loans and discounts; to obtain and procure loans for any person, company, corporation or co-partnership; to invest its own money or the money of others; to lend and invest money on the bond or security of mortgage, pledge or deed of trust, or invest in any land or hereditament or personal property or interest therein of any description situate anywhere; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action and any and all negotiable or commercial paper, or any credits or other personal property, and shall invest or dispose of the same, and charge such interest or fee as may be lawful, and may receive such interest at the time of making such transaction or at any other time.

Dealings in stocks and bonds.

Sec. 13. That said corporation may subscribe to, purchase or acquire or lend money upon stock, shares, notes, bonds or debentures, or may subscribe to, purchase, acquire or lend money upon the securities of any government, State, municipality, corporation, company, co-partnership or person.

Deposits for safe-keeping.

Sec. 14. That said corporation be and is hereby authorized and empowered to receive and keep on deposit all funds, gold, silver, or paper money, bullion, precious metals, jewels, plates, certificates of stock, bonds or evidences of indebtedness, instruments of title or other valuable papers of any kind, or any other article or thing whatsoever, which may be loaned on deposit for safe-keeping with said corporation, and shall be entitled to charge such commission or compensation therefor as may be agreed upon; to have the complete preservation and safe-keeping thereof. It may construct and erect or purchase such fire and burglar-proof buildings, vaults, safes or other means which may become necessary, and generally transact and perform all business relating to such deposit and safe-keeping or preservation of all such articles or valuables as may be deposited with said corporation.

Powers as fiscal agent.

Sec. 15. That said corporation shall have the right to act as agent, factor or trustee for any State, city, town, municipality, corporation, company or individual, on such terms as to the agency and commission as may be agreed upon, in negotiating, selling and countersigning, acquiring, holding, dealing in, disposing of, any bond of any city, State, county, town, municipal corporation, company or person, bond, certificates of stock of any description, or property, real or personal, or for guaranteeing the payment of any such bonds, certificates of stock, etc., and generally for managing such business may have and charge such premium, commission or rate of compensation as may be agreed upon, and for any of the matters and things authorized by this section.

Power to hold real property.

Sec. 16. That said corporation may purchase and hold all such real and personal property as may be necessary for its business purposes, and such as may be convenient to it to secure or satisfy any debt due to it, or for any other purpose, and such as may be sold under a foreclosure of any mortgage made to said corporation or sold in any action or by any order of any court to satisfy any debt due to it, and may sell and convey or exchange or improve the same at pleasure, and use and invest the proceeds thereof as may be deemed best. And whenever any real estate or personal property upon which the corporation may have a lien of any kind shall be exposed to sale under authority of law, the president or cashier of this corporation may purchase the same for and on behalf of the corporation, and such purchase, though made at a sale by the corporation as trustee, shall be valid and binding upon all the parties having or claiming an interest therein.

Purchases under lien or mortgage.

Power to act in fiduciary capacities.

Sec. 17. That the said corporation be and it hereby is authorized and empowered to accept and exercise any trust of any description which may, with its consent, be contracted or transferred to it by any person or persons whomsoever, by any bodies corporate or public, or by any court of the State of North Carolina, or of the United States, and to accept the appointment to office of executor or administrator or trustee or assignee of any kind or nature, wherever such office or appointment is made or conferred to any person or persons by any court of competent jurisdiction of this State, or any of the United States, or of the United States; and in all cases where application shall be made to any court for the appointment of any receiver, trustee, administrator, assignee, guardian or committee of a lunatic, it shall and may be lawful for such court to appoint said corporation, with its assent, such a receiver, trustee, administrator, assignee, guardian or committee; and when any person shall appoint the said corporation executor of his or her last will, or any court shall appoint the said corporation a receiver, trustee, administrator, assignee, guardian or committee, and shall order the deposit of any money with the said corporation, the corporate stock as paid in shall be taken and considered as the security required by all for the faith-

Courts may appoint corporation.

ful performance as such executor, administrator, trustee, assignee, receiver or executor or committee, and shall be absolutely liable for any default; and on application therefor the court may require the said corporation to give such other and further security as it may judge to be expedient; and the court on demand may, if necessary, examine the officers of the corporation under oath or affirmation as to the sufficiency of its capital stock as such security. The amounts received by said corporation as such receiver, trustee, executor, administrator, guardian or committee shall be regularly adjusted and settled before such court or officer as shall have jurisdiction thereof, and said court or officer shall, upon such adjustment and settlement being made, allow to said corporation all proper and legal and customary costs and charges and commissions for its care and management of the trust estates aforesaid. The said corporation as such receiver, trustee, executor, administrator, assignee, guardian or committee shall be subject to all orders and decrees by the proper tribunal under the laws of this State.

Authorized investments.

Sec. 18. The said corporation shall have discretionary powers to invest the funds received by it in trust in the bonds of the United States or of any State, or in the bonds duly authorized to be issued by any county, or incorporated city, or other good securities, or in safe real and personal securities, but all such investments shall be at the sole risk of the corporation, and for any losses by reason of such investments the capital stock, property, effects of said corporation shall be absolutely liable. The corporation shall use due diligence to enhance the yearly rents and profits of any trust estate within its hands; but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.

Transfer of stock.

Sec. 19. That the stock of this corporation held by any one shall be transferred only on the books of the corporation, either in person or by power of attorney, and no stockholder shall transfer his stock except by the consent of the directors of the corporation, if he be indebted to the corporation as principal, security or otherwise, until such obligation of indebtedness is paid off and discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder: *Provided*, this condition is printed on the certificates of stock issued by the corporation.

Proviso: conditions to be printed on stock.

Principal office.

Sec. 20. That the principal office of said corporation shall be in the city of Wilmington, North Carolina, but the directors may establish branch offices at such other places as may be deemed advisable.

Branch offices.

Sec. 21. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1907.

CHAPTER 81.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF ELIZABETH CITY TO ISSUE BONDS AND LEVY A TAX TO PAY THE FLOATING INDEBTEDNESS OF SAID CITY.

Preamble. Whereas, the town of Elizabeth City has contracted a floating debt to the amount of near twenty thousand dollars, for necessary expenses of said city; and whereas, the said city desires to issue bonds for the purpose of paying the said floating debt: now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized. Section 1. That the board of aldermen of said city be and they are hereby authorized to issue bonds of said Elizabeth City to an amount not exceeding twenty thousand dollars, par value, for the purpose aforesaid, the same to draw interest at the rate of five per cent. per annum, and to be sold at not less than par.

Amount.

Interest.

Application of proceeds. Sec. 2. That the proceeds arising from the sale of said bonds shall be used for the purpose of taking up the said floating debt of the said corporation of Elizabeth City.

Special tax. Sec. 3. That the said board of aldermen shall provide for the payment of interest and principal of said bonds by levying a tax not to exceed ten cents on the hundred dollars valuation, and thirty cents on each poll, and the said bonds to mature one each year for the period of twenty years, with interest payable semi-annually.

Bonds to mature.

Election to be held. Sec. 4. That before any of the bonds herein provided for shall be issued, or the tax levied, the question of issuing and levying same shall be first submitted to the qualified voters of said city, after thirty days' notice in some newspaper published in the said city, said election to be held under the rules and regulations that are now prescribed by law for the election of mayor and aldermen of said city. All qualified voters in favor of the issuing of said bonds, and the levying of the necessary tax to pay the same, shall vote a ticket on which shall be written or printed the words, "For Bond Issue," and those disapproving shall vote a ticket on which shall be written or printed the words, "Against Bond Issue." If, at such election, a majority vote cast shall be in favor of the issue of said bonds, then the board of aldermen of said city shall issue the said bonds, which shall be applied to the purposes and upon the terms and conditions provided in this act.

Form of ballots.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1907.

CHAPTER 82.

AN ACT TO AUTHORIZE PUBLIC SCHOOL OF BEARGRASS TOWNSHIP, IN MARTIN COUNTY, TO ISSUE BONDS TO BUILD A PUBLIC SCHOOL HOUSE.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the school committee of district number eighteen, white, Beargrass Township, Martin County, be authorized and empowered to issue bonds in the denomination of one hundred

Amount.

dollars each to the extent of five hundred dollars ($500), for the purpose of erecting and furnishing a public school building in said school district. The interest on said bonds shall not exceed six per

Interest.

cent. per annum, and the interest on said bonds shall be paid and

Bonds redeemable.

one-fifth of the whole number redeemed each year by using the funds apportioned to the said school by the county board of education.

How bonds authenticated.

Sec. 2. That said bonds shall be issued by the school committee for said district, signed by the chairman and the secretary, two of the three members concurring; these bonds shall also be signed by the chairman of the county board of education, who shall certify as to the signatures of the committee and notice of the manner of the redemption of the said bonds.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1907.

CHAPTER 83.

AN ACT TO ALLOW THE CITIZENS OF LENOIR, CALDWELL COUNTY, TO VOTE ON A BOND ISSUE.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Commissioners of the Town of Lenoir, in Caldwell County, be and the same is hereby authorized and empowered, in their discretion, to issue bonds for either the installation and maintenance of a water-works and sewerage system, or for the improvement of the streets and sidewalks of the

Denominations.

said town of Lenoir, or for both purposes. The bonds shall be in such denominations and forms as the said board may determine,

Amounts.

to an amount not to exceed eighty thousand dollars for the installation and maintenance of the water-works and sewerage system, and not to exceed twenty thousand dollars for the improvement of the streets and sidewalks of the said town, payable at such time

or times and at such places as said board of commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty years from their date, and the board of commissioners may divide said bonds into classes, as they may determine best, and have them mature at different convenient dates, between the limits aforesaid. Proviso: maturity of bonds.

Sec. 2. That the said bonds shall bear interest from their date, at a rate not to exceed six per cent. per annum, to be fixed by the board of commissioners of the said town of Lenoir, which interest shall be payable annually or semi-annually, on such days as are fixed by said board; and said bonds shall in no case be sold or otherwise disposed of for less than their par value. The said bonds shall be signed by the mayor, attested by the secretary of the board of commissioners, and sealed with the corporate seal of the said town of Lenoir, and shall have attached interest coupons, which coupons may be received in payment of town taxes. That a record shall be kept of the said bonds, showing the numbers and the denominations thereof, and to whom sold, the date of issuing, and when the same will mature, and the interest rate thereof, the amount received from the sale of same, and the date of paying the proceeds into the treasury of the said town, and such other data in relation to the same as the board of commissioners may direct to be kept. That the said bonds and coupons shall not be subject to taxation by the town of Lenoir or the graded school district. That the Board of Commissioners of the Town of Lenoir are hereby authorized to sell or cause to be sold the said bonds, or any number of them, at public or private sale or sales, and all money arising from such sale or sales shall be paid over to the treasurer of said town, and the said treasurer, and the sureties of his official bond, shall be liable for same money or moneys to the same extent as for other moneys belonging to said town which come into his hands; and it shall be the duty of the said board of commissioners of the said town of Lenoir to see to it that the bond of said treasurer shall at all times be sufficient in amount, and with satisfactory sureties, to provide against any loss of money arising from the sale of said bonds; and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof, remove him from his office as treasurer; that said treasurer shall receive no compensation for the receipt of said moneys, but shall receive such compensation for their disbursement as the said board of commissioners shall determine: *Provided*, that in no case shall said compensation exceed one per centum of the amount actually disbursed. Interest. Bonds not to be sold below par. How bonds authenticated. Record of bonds. Exempt from town tax. Sale of bonds. Bond of treasurer. Compensation of treasurer.

Sec. 3. That the mayor and board of commissioners of the said town of Lenoir, upon the issuing of said bonds, shall be authorized and empowered to levy and collect a special tax annually upon all subjects of taxation which are now or may hereafter be Special tax authorized.

embraced in the subjects of taxation under the charter of said town, observing at all times the constitutional equations between the poll and property, sufficient to meet the interest on said bonds as the same may accumulate, and pay the principal thereof when the same shall become due and payable: *Provided*, that the special tax herein authorized shall not exceed fifty cents on every one hundred dollars valuation of property, or one dollar and fifty cents on every taxable poll, and such taxes shall be collected in like manner as the other taxes of the said town, and paid into the hands of the treasurer of said town, to be used for the aforesaid purposes; that the said taxes shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for which they were levied and collected; any mayor or commissioner who shall appropriate, by vote or otherwise, to any purpose or use, directly or indirectly, other than that for which they were levied, any of the said taxes or any part thereof, or shall in any way violate any of the provisions of this act, shall be guilty of a misdemeanor.

Proviso: tax rate.

Taxes kept separate.

Misappropriation of tax a misdemeanor.

Election to be held.

Sec. 4. That before any of the bonds herein provided for shall be issued, or the taxes levied pursuant to this act, the question of issuing and levying the same shall be submitted to the qualified voters of the said town at an election to be held under the same rules and regulations as may at the time of said election be provided by law for the election of the mayor and board of commissioners of said town: *Provided*, that no one shall be deemed a qualified voter except such as shall be properly registered, as hereinafter provided: *Provided further*, that the said notice shall set forth the object or objects for which the bonds are to be issued, the amount of the same, the rate of interest, the time when they mature, and the rate of tax to pay the same: *Provided further*, that the cost of publishing such notice shall not exceed three dollars.

Proviso: voters.

Proviso: notice of election.

Proviso: cost of publication.

Appointment of election officers.

Registration.

Sec. 5. That for the purpose of holding said election or elections the commissioners of said town shall appoint one registrar and two poll-holders, at the time that said election is ordered, and said registrar shall immediately give notice, by posting a notice at the court-house door in said town, where he may be found for ten days next preceding the election, Sundays excepted, and until sundown of the day next preceding the election, and where the registration books for the registration of voters for said election shall be kept open. For the purpose of the aforesaid election or elections the board of commissioners of the said town of Lenoir shall order, and there shall be, a new registration of the voters of said town. And voters to register and vote in the election shall be qualified in like manner as voters are required to be to register and vote in elections held in said town for mayor and board of commissioners.

New registration.

Sec. 6. That in voting for bonds for the installation of water-works and sewerage system all the qualified voters voting at such election in favor of issuing such bonds and the levying of the necessary taxes to pay the same, shall vote a ticket or ballot on which shall be printed or written the words "For Bond Issue for Water-works and Sewerage," and those disapproving the same shall vote a ticket or ballot on which shall be written or printed the words "Against Bond Issue for Water-works or Sewerage," and that in voting on the question of issuing bonds for the improvement of the streets and sidewalks in the said town all the qualified voters voting in favor of issuing the said bonds shall vote a ticket or ballot on which shall be printed or written the words "For Bond Issue for Street and Sidewalk Improvement," and those disapproving the same shall vote a ticket or ballot on which shall be printed or written the words "Against Bonds for Street and Sidewalk Improvement": *Provided*, that the board of commissioners of said town may submit either question to the qualified voters first, or both at the same time, as they may deem best: *Provided*, that if both questions be submitted at the same time the ballots, hereinbefore provided for, shall be placed in separate and distinct boxes. Form of ballots. Proviso: question or questions to be voted on. Proviso: separate boxes.

Sec. 7. That the result of said election shall be certified by the officers holding the same to the board of commissioners of said town at such time as they may designate; and the board of commissioners of said town shall at such time verify the same and declare the result, and cause the same to be recorded in their minutes, and after thirty days after such recording in said minutes such record shall not be opened to attack, but shall be held and deemed conclusive evidence of the truth of the fact certified. Returns certified and canvassed.

Sec. 8. That in the event that a majority fail to vote in favor of either question submitted, if both questions be submitted at the same time, or in favor of the question submitted, if only one question is submitted at a time, then the board of commissioners of said town may again submit the question or questions, at such future time or times as they may elect, under the same rules and regulations as already prescribed. Successive elections.

Sec. 9. That in no case, or under any circumstances, shall the mayor of said town deliver said bonds, or any of them, to the purchaser or purchasers thereof until the purchase-money therefor shall be paid to the treasurer of said town and his receipt to the purchaser produced before the mayor as evidence of such payment. Any mayor violating the provisions of this section shall be, individually or together with his bondsmen, responsible to the town of Lenoir for the purchase-price of such bond or bonds wrongfully delivered. Delivery of bonds. Liability of mayor.

Sec. 10. That it shall be the duty of the board of commissioners of said town, upon the payment into the treasury of the proceeds of the sale of such bonds, as soon as practicable, to employ some Commissioners to employ engineer.

skilled engineer to execute the work for which the bonds were issued; or, if they deem best, they may let to some competent contractor the contract for executing the work for which such bonds were issued: *Provided*, that the said contractor shall first submit plans and specifications, which plans and specifications shall be approved by said board of commissioners: *Provided further*, that at the time of letting said contract the said contractor shall enter into a bond, with sureties to be approved by the board of commissioners of said town, in such amount as shall be determined by the board of commissioners of said town, for the faithful and prompt execution of the work in accord with the aforesaid plans and specifications.

May let work to contract.

Proviso: plans and specifications.

Proviso: bond of contractors.

Water rents and charges.

Sec. 11. That it shall be the duty of the board of commissioners of said town to provide for the collection of rents, water charges, and other revenues, for the use of the water provided by the aforesaid water-works. And all revenues derived from such sources shall be held and kept solely for the purpose of maintaining said system of water-works, and the surplus, after paying the expenses of maintaining said system, shall be used to pay the interest on the bonds; and if there yet be a surplus, such surplus shall be used as a part of the sinking fund hereinbefore provided for, for the redemption of said bonds, until they have been fully redeemed.

Appropriation of revenues from water-works.

Investment of sinking fund.

Sec. 12. That it shall be the duty of the commissioners of the said town to annually lend all moneys arising from the levying and collection of the aforesaid taxes and the profits of the aforesaid water-works, first paying the interest on such of the bonds as may then be outstanding, in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security for the payment thereof, and for the payment of the interest thereon, mortgages or deeds in trust, in the name of the mayor of said town, on real estate at fifty per cent. of its valuation, or bonds issued under this act may be taken as collateral security for such loans. The notes or evidences of debt given for any loan under this section shall be executed to and in the name of "The Board of Commissioners of the Town of Lenoir," and shall bear interest, payable annually, at a rate not less than the then legal rate of interest; and in case the commissioners of said town shall not be able to invest any or all of the said money annually, as directed above, they may and it shall be their duty to cause such part as they may be unable to invest as above directed to be deposited in some bank of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investment above directed shall be reinvested in the manner above directed.

Personal interest of mayor or commissioner a misdemeanor.

But any mayor or commissioner of said town who shall be personally interested, directly or indirectly, in any such loans shall be guilty of a misdemeanor.

Sec. 13. That nothing in this act shall be construed so as to require the purchaser or purchasers of any of said bonds to see that the purchase-money of said bonds is applied to the purpose prescribed in this act. Purchasers not required to see to application of funds.

Sec. 14. That the board of town commissioners of said town shall appoint a committee of three citizens of the town of Lenoir annually to audit the accounts of the treasurer of the town of Lenoir. The correctness of the statements of this committee shall be sworn to by not less than two of said committee; and the treasurer of said town shall publish, or cause to be published, in one of the papers of said town a full, itemized and sworn-to statement of all receipts and disbursements, which publication shall be made within fifteen days after the auditing of the same. And said treasurer, failing to publish such statement as above directed, shall be subject to a fine of fifty dollars for each and every offense. Committee of audit. Statement to be published. Punishment for failure.

Sec. 15. All laws in conflict with this chapter are hereby repealed.

Sec. 16. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1907.

CHAPTER 84.

AN ACT TO INCORPORATE THE TOWN OF ZEBULON.

The General Assembly of North Carolina do enact:

Section 1. That the town of Zebulon, in the county of Wake, be and the same is hereby incorporated by the name and style of "Zebulon," and shall be subject to all the provisions contained in chapter seventy-three of the Revisal of one thousand nine hundred and five, not inconsistent with the provisions of this act. Town incorporated. Corporate name. General law to apply.

Sec. 2. The boundaries of the said town of Zebulon shall be as follows: Beginning at a stake in the center of Arendall Avenue northwest, eighteen hundred feet from the center of the intersection of said Arendall Avenue with Vance Avenue; running thence northeast exactly parallel with the main line of the Norfolk and Southern Railway eighteen hundred feet to a corner; thence southeast diagonally across the main line of the said Norfolk and Southern Railway three thousand and six hundred feet to a corner; thence southwest exactly parallel with the main line of the said Norfolk and Southern Railway three thousand and six hundred feet to a corner; thence northwest diagonally across the main line of the said Norfolk and Southern Railway three thousand and six hundred feet to a corner; thence northeast parallel with the said main line of the Norfolk and Southern Railway to Boundaries.

the beginning; the said boundaries forming a square three thousand and six hundred feet by three thousand and six hundred feet.

Town officers.

Sec. 3. The officers of the said town shall be a mayor, a board of commissioners of five members, a town marshal, regular and special policemen, a clerk and treasurer, and such other officers as the board of commissioners may elect. And the following named persons shall fill the offices of mayor and town commissioners from the time of their qualification until Tuesday after the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified: Mayor, Joseph F. Fields; commissioners, Nathan L. Horton, J. Michael Whitley, Thomas Powell, William S. Horton and J. Henry Bunn.

First officers.

Marshal, clerk, treasurer and policemen.

Sec. 4. The town marshal, the clerk and treasurer and the regular policemen shall be elected by the board of commissioners, who shall also define their duties and name their salaries or fees. All special policemen shall be appointed by the mayor.

Special policemen.

Town elections.

Sec. 5. An election shall be held on Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, for mayor and a board of commissioners of five members, and under the laws and regulations of North Carolina for the holding of city and town elections.

City council.

Sec. 6. The mayor and board of town commissioners shall form a city council, the mayor being allowed a vote only in case of a tie, and the said council may make, publish and enforce ordinances for the government of the said town, not inconsistent with the Constitution of the United States, the Constitution of North Carolina and the laws of said sovereignties. The said council shall have power to levy and collect a tax not exceeding seventy-five cents on the poll and not exceeding twenty-five cents on the hundred dollars of valuation of property, real and personal and mixed, and shall also have power to tax all subjects of State taxation not to exceed one-half the State taxes, and shall also have power to abate all nuisances and may impose such fines and penalties as may be necessary to abate them, and shall also have full control of all streets, alleys, avenues, parks and other public reservations, and shall also have the power to open new streets, alleys, avenues, or extensions of the same, in accordance with the laws regulating such authority.

Powers of council.

Tax rate.

Officers to qualify.

Sec. 7. That the officers provided for in section two of this act shall qualify within twenty days after its ratification before a justice of the peace or the clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1907.

CHAPTER 85.

AN ACT TO ENLARGE SCHOOL DISTRICT NUMBER 1, DAVIDSON TOWNSHIP, IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That school district number one in Davidson Township, Iredell County, shall be enlarged by adding the following territory to said district, which is known as Mount Mourne School District: Beginning at a point on the division line between district number one and district number two in Davidson Township, at B. S. Templeton's residence; thence west, taking in the farms of J. S. Duckworth, A. A. Kelley and J. M. Potts, to Davidson's Creek; thence with the creek about north to the division line between said district number two and Coddle Creek Township; thence about east with the said division line to the line dividing said districts numbers one and two. Boundaries enlarged.

Sec. 2. That the children of school age included in the above territory shall have the right and privilege to attend all the sessions of the public schools in district number one of Davidson Township, Iredell County. Children to attend schools.

Sec. 3. That all property and polls within said territory shall be subject to the special school tax already voted in the original school district number one, to-wit, twenty cents on the hundred dollars' worth of property, and sixty cents on the poll, and the same shall be levied and collected as taxes are levied and collected in the original district number one. Property and polls subject to special tax.

Sec. 4. This act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1907.

CHAPTER 86.

AN ACT TO AMEND AND REVISE THE CHARTER OF THE TOWN OF MURFREESBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the town of Murfreesboro shall be and continue, as heretofore, a body politic and corporate, by the name of "The Town of Murfreesboro, North Carolina," and as such shall have a common seal, may sue and be sued, plead and be impleaded, purchase, hold and receive by conveyance, gift or devise property of any kind, and may from time to time sell and dispose of the same and re-invest the proceeds as may be deemed advisable by the proper authorities of said town. Corporation of town continued. Corporate name. Corporate powers.

Corporate limits.

Sec. 2. That the corporate limits of the town shall be as follows, to-wit: Beginning at a point on the Meherrin River at the mouth of the first ravine below the Keystone wharf and running thence south twenty degrees east three hundred and thirty feet; thence south two degrees west one thousand five hundred and fifty-one feet to a point two feet west of a large pine just south of Winton road; thence south thirty-six degrees west one thousand and ten feet to a point in E. C. Worrell's field; thence south fifty-four degrees west four hundred and sixty-nine feet; thence south sixty-seven degrees and thirty minutes west three thousand five hundred and thirty-six feet; thence south seventy-three degrees west four hundred and ninety-two feet to fork of branch south of C. B. F. Institute; thence north seventy degrees and fifteen minutes west three hundred and fifty-seven feet; thence north forty-seven degrees and thirty minutes west three thousand four hundred and eighty-nine feet to a large gum tree in the field of J. N. Harrell's heirs; thence north three degrees west two thousand two hundred and sixty-six feet to a persimmon tree in Mrs. Sue Lawrence's field; thence north seventy-four degrees and thirty minutes east two thousand nine hundred feet to a large holly tree in J. M. Wynn's field; thence south seventy-nine degrees and thirty minutes east two thousand seven hundred and twenty feet to the bend of the Meherrin River just above the old Worrell & Williams saw-mill; thence down said river to the beginning.

Town officers.

Election of commissioners.

Term of office.

Election of mayor, secretary, treasurer and constable.

Term of office.

Officers to qualify.

Sec. 3. That the government of said town shall consist of five commissioners, a mayor, secretary, treasurer and constable, the said five commissioners to be elected from the qualified voters of the town on Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter on said day, and the commissioners so elected shall hold their term of office for two years and until their successors shall be duly elected and qualified. And the said commissioners so elected shall meet within ten days after the fourth Monday in the said month of May, and elect from the qualified voters of said town the said mayor, secretary, treasurer and constable, who shall hold their respective offices for the term of two years and until their successors are duly elected and qualified; but before any officer of the said town government shall enter upon the duties of his office he shall take and subscribe to an oath of office before some justice of the peace, or other person authorized to administer oaths, to impartially and faithfully discharge the duties of such office according to his best ability, which oath shall be filed with the secretary of the town.

Bond of constable.

Duties and powers of constable.

Sec. 4. The said board of commissioners shall require of the town constable a bond in such sum as they deem proper, payable to the said town and conditioned for the faithful discharge of his duties, and the said constable shall thereupon have and be subject to all responsibilities, civil and criminal, which attach to his office in law; and it shall be the duty of said constable to serve notices

for the town, to serve any process within the county of Hertford which any township constable may lawfully serve, whether directed specially to said town constable or not, and the service of any process within said county by the said town constable shall have the same force and effect as the service of such process by a township constable, whether directed to said town constable or the sheriff, constable or other lawful officer of said county. It shall further be the duty of said town constable to collect taxes levied by the board and pay over the same at the end of each month to the treasurer, to make monthly reports to the board and whenever required by said board, and be subject to such regulations as the board may enact under authority of this act; and, in addition to the fees allowed him by law, he shall receive a commission of five per centum upon all taxes or other moneys collected by him for the use of the town.

Constable to collect taxes,

Fees and commissions.

Sec. 5. The said election shall be held under the general laws governing town elections, except as herein provided, and every male resident citizen of the town, otherwise qualified to vote in an election for members of the General Assembly, who has resided in the town for six months immediately preceding the election, shall be entitled to register and to vote at such election one ballot, on which shall be the names of such commissioners, not exceeding five, for whom he wishes to vote; and said ballot shall also contain the superscription "For Commissioners": *Provided, however*, that, should the commissioners under the powers of this act at any time thereafter subdivide the town into different wards, then such ballot shall further contain the name of such ward, and no more names than the number of commissioners allowed by law to be elected from such ward. The five commissioners who shall at such election receive the highest number of votes or ballots cast, and who are qualified electors of the town, shall be declared elected. At the close of any such election the judges shall, after counting the ballots aforesaid, declare the results at the place of election, and within three days thereafter post the same in writing in front of the mayor's office in said town, and transmit a copy thereof to the mayor under the hands of a majority of them, which shall be entered at the next meeting of the commissioners as a part of the record of their meeting, and notice shall thereupon be given by the constable to the commissioners-elect of their election.

Elections governed by general laws.

Proviso: if town divided into wards.

Result to be declared and posted.

Copy to mayor.

Notice to commissioners-elect.

Sec. 6. That the terms of said officers shall begin on the fourth Monday in May of the month of such election and continue for two years and until their successors are duly elected and qualified.

Terms of office.

Sec. 7. The said board of commissioners shall appoint two judges of election and a registrar for each election held under this act, in apt time, and in the event the said commissioners shall hereafter, under the powers conferred in this act, create and subdivide the town into two or more wards, then they shall appoint

Commissioners to appoint judges and registrars.

two judges of election and a registrar for each ward so created,
Registration. and declare the voting place of each ward; and the said registrar shall give such notice as is required under the general laws governing town elections of his opening the registration books, and the same shall be kept open as required under the general laws afore-
Elections for different wards at one precinct. said. But the said commissioners may authorize the holding of any election to be held under this act, and after the division of the town into two or more wards, at one voting precinct, under the supervision of two judges and one registrar, by publishing notice thereof and of the place at which the election is to be conducted, at the time of appointment of said judges and registrar.

Mayor constituted official court. Sec. 8. The mayor shall be and he is hereby constituted an official court, with the jurisdiction of a justice of the peace in all
Jurisdiction. criminal matters pertaining to the enforcement of the collection of taxes of the town, including proceedings by garnishment and distress of property. He shall have original and exclusive jurisdiction to try all offenses against the town ordinances, and concurrent jurisdiction with justices of the peace as to all other vio-
Procedure and appeal. lations of the criminal law in the town. He shall conduct proceedings before his court as commonly prescribed for mayors, with the right of appeal therefrom as now provided by law.

Commitments to county jail. Sec. 9. The mayor shall have power to commit any person convicted of any violation of any ordinance of the town, or any criminal offense within the town of which he has jurisdiction, to the town or county jail until the fine and costs, or sentence imposed by him, and the jail fees are paid and discharged; and such person or persons can only be released as provided in like cases in other courts.

Vacancies. Sec. 10. The board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, to appoint any and all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and prescribe their terms of office. The said board may also appoint one of their number or other discreet person who is a qualified voter in the town, in case of the absence,
Mayor pro tem. sickness or other disqualification of the mayor, as mayor *pro tempore*, who shall act in the stead of said mayor and be vested with all his rights, powers and duties so long as he shall act as mayor *pro tempore*.

Secretary and treasurer. Sec. 11. The said board of commissioners shall appoint some suitable person to act as secretary and treasurer, who shall give
Bond. bond payable to the town, with sufficient surety, in such sum as the board shall prescribe, conditioned for the faithful keeping and disbursement of such sums of money as may come into his hands belonging to the town, and the proper discharge of all duties per-
Duties. taining to his said office. It shall be his duty to receive taxes and all other money or moneys due the town and to pay out the same upon order of the board; and he shall submit his accounts

at the end of the year, with his vouchers, to the board or such committee as they may appoint, and cause a copy to be posted in some public place in the town: *Provided*, that, should the said board separate the offices of clerk and treasurer as hereinafter provided, then the foregoing provisions shall apply to the office of treasurer.

Proviso: if offices of clerk and treasurer separated.

Sec. 12. The said board of commissioners may, at their discretion, sever the offices of secretary or clerk and treasurer, and it shall be the duty of the treasurer of the town to call upon the constable of the town once in every thirty days, and oftener, if necessary, and demand the money collected by him for said town, and the constable, on demand of the treasurer, shall pay over all money or moneys in his hands belonging to said town, and his refusal shall be reported by the treasurer to the board of commissioners at its next meeting.

Commissioners may sever offices of clerk and treasurer.

Treasurer to call on constable.

Constable to pay over to treasurer.

Sec. 13. The secretary shall act as clerk of the said board of commissioners. He shall keep fair and regular minutes of all meetings and official acts of the said commissioners in a well-bound book, and for his services the board may allow him such compensation as the board may prescribe. At the expiration of his term of office he shall deliver to the board all books, papers or other property of the town in his care or custody.

Duties of secretary.

Compensation.

Sec. 14. The treasurer of said town shall keep a strict account of all money or moneys coming into his hands, from any source whatever, belonging to said town, pay the same out only upon order of the board, make reports to the board of the financial condition of the town at each regular meeting, or whenever called for by the board, and at the expiration of his term of office deliver to the board all money or moneys belonging to the town, and surrender all books, papers or other property of the town in his custody or possession.

Duties of treasurer.

Sec. 15. The town constable shall be the tax collector of the town and shall collect all taxes due the town, and be invested with all the powers of the sheriff or county tax collector in the collection of taxes.

Constable to be tax collector.

Sec. 16. The constable and policemen of the town shall be governed by the regulations provided for and clothed with the powers conferred upon its officers by the State of North Carolina, and when arrests have been made the prisoners shall be immediately carried before the mayor or some other competent officer for trial, except in the following cases: First, when the arrest is made between sunset on Saturday and eight o'clock A. M. on Monday. Second, when the arrest is made in the night. Third, when the person arrested is found in an inebriated or intoxicated condition. Fourth, when for the safe-keeping of the party arrested imprisonment is necessary. In all these cases, or any of them, the prisoner may be committed without *mittimus* or warrant to the

Powers of constable and policemen.

Commitments without warrant.

town or county jail until his trial can be had before the mayor or other officer.

By-laws and ordinances.

Sec. 17. The said commissioners shall have power to and it shall be their duty to enact such by-laws, rules, ordinances and orders as they may deem best, necessary for the proper government of the town, and all such by-laws, rules, ordinances and orders shall be printed in some newspaper published in the town, if there be any; otherwise the same shall be posted in two public places in the town. Said commissioners shall have power to impose and levy appropriate fines, penalties and forfeitures for the breach of ordinances, by-laws, rules and regulations; to levy and collect taxes on real and personal property, and to levy and collect license taxes on all trades, privileges, callings, professions and occupations not exempt under the general laws of the State; to prohibit the carrying on of trades or occupations amounting to a nuisance; to abate such nuisances; to protect and control shade trees now standing on the streets, highways, alleys or public grounds of the town, and such as may be hereafter planted thereon.

Ordinances to be published.

Further powers of commissioners.

Penalties for violations of ordinances.

Sec. 18. The said board of commissioners shall have full and ample authority and power to enforce compliance with and observance of all such by-laws, rules and ordinances as they may make under this act or may have been heretofore adopted or ordained, by fines, penalties and forfeitures on those who shall violate, refuse or neglect to conform thereto, to be recovered by warrant, under the hand of the mayor or any justice of the peace of Hertford County, directed to the sheriff of said county, or constable of said town, or other lawful officer of the county, to arrest and cause such offender to appear before the mayor or some justice of the peace of said county; and such mayor or justice of the peace is hereby required to hear and determine the same, and on conviction to give judgment and award execution against such offender, which shall be executed by the said constable, sheriff or other lawful officer; and such fines, when collected, shall be paid by the officer to the proper authority, as required by law.

Further powers of commissioners.

Sec. 19. That among the powers conferred by this act upon said commissioners are the following: To provide for the construction and laying out of streets, alleys and lanes, and for changing, widening or closing the same; to regulate the cleaning, repairing or improving of all streets and sidewalks; to condemn land for any purpose necessary; to establish boundaries of the town by enlarging, contracting or otherwise changing the same: *Provided, however*, that no change shall be made in the boundaries of the town as they now exist, or as described and defined in this act, unless twenty days' public notice of the change proposed shall have been previously given at three public places in the town or by publication in some newspaper published in the town for two successive weeks, nor shall such change take effect until one month after the action of the commissioners in making such change; to take

Proviso: notice of proposed change of boundary to be given, and change not to take effect until one month after action.

all proper and effectual means for preventing and extinguishing fires and conflagrations; to make regulations to cause due observance of the Sabbath day; to suppress, abate and remove any nuisance; to take all necessaary measures to prevent the spread of contagious diseases; to provide for the appointment of special police and other officers needed; to take measures to preserve the peace of the town; to execute all laws and ordinances and maintain good order; to enact and enforce such ordinances as they may deem necessary to preserve the health of the town; to determine, when necessary, the boundary or boundaries of streets, and establish new streets and sidewalks; to provide for restraining and licensing shows, circuses and public amusements in the town; to restrain and prohibit gambling and the manufacture or sale of fermented or malt liquors and intoxicants of all kinds; to prohibit or control the firing of fire-arms, fire-works and explosives of every description, and to govern the sale of fire-arms and fire-works; to control the manner of arranging stove-flues, pipes and chimneys in buildings; to prohibit or prescribe the manner of keeping hogs, goats and cattle in the town; to prescribe the manner in which dogs shall be kept; to limit the speed at which horses or other animals or bicycles, automobiles or other vehicles shall be driven or propelled through the streets of the town, and to regulate the running of such vehicles upon the streets and sidewalks of the town; to cause all lots, streets, cellars, privies, stables and places of like character to be examined by the constable or other officer appointed for that purpose, and to cause, by their order, the said officer to have said places cleaned and the nuisance abated, the same to be done at the expense of the owner or occupant of the premises, and the constable or other officer having that duty in charge shall be empowered to inspect any and all premises in the town and to have the same cleaned, and the expense of cleaning the same or removing nuisances shall be recovered from the owner or occupant thereof, if refused by the owner or occupant, by an action in any court having jurisdiction; and, further, to purchase, hold and receive by gift or conveyance lots of land for keeping and maintaining cemeteries, and to sell and convey lots in the same upon such terms, conditions and prices as the commissioners shall deem proper, and deeds for lots in the said cemeteries shall be executed on the part of the town in the manner provided in this act for the execution of other deeds or contracts of the town; and also to regulate the places and manner, where and how the dead shall be buried.

Meetings of commissioners.

Sec. 20. The board of commissioners shall meet once every month, and at such other times as they may determine upon, or when the mayor shall call a meeting. The mayor shall preside at the meetings of the board, but shall not be entitled to a vote except in cases of a tie, when he shall cast one and the deciding vote. Vacancies in said board of commissioners, or in the office of

Mayor to preside.

Vacancies.

mayor, secretary or treasurer, or any other officer of the town, unless otherwise provided for by ordinances of the town, shall be filled by the said board of commissioners or a majority thereof. All deeds, contracts or obligations of the town, required to be in writing, shall be signed by the mayor and attested by the secretary or clerk.

How deeds and contracts authenticated.

Special policemen.

Sec. 21. That the mayor of said town, on special occasions, when crowds are assembled for any purpose, for the purpose of maintaining peace and good order, may appoint special policemen, not exceeding six at any one time, whose time of service shall not at any one time exceed six successive days, and the compensation therefor shall be determined by the said commissioners.

Compensation.

Powers of commissioners as to streets.

Sec. 22. That the board of commissioners may alter, change, enlarge, extend or close up any of the existing streets, lanes or alleys of the town, or may open and lay out new streets, and may condemn land for that purpose upon making reasonable compensation for the same. And whenever in laying out a new street or making any change of a street it becomes necessary to appropriate the land of any person, firm or corporation for such public use, in the event of disagreement between the town and the party in interest, it shall be lawful to proceed to use the lands necessary; and in such case the board of commissioners shall issue their mandate, signed by the mayor and attested by the clerk, to the constable of the town to summon a jury of three resident freeholders of the town, to view the premises and assess the damages to be paid to the owner or party in interest, and upon the coming in of said report the board may condemn such lands to the uses aforesaid; but before the same shall be taken the damages assessed shall be paid or tendered by the board to the party or parties entitled to the same, and upon such payment or tender the same shall become and remain a public street and highway: *Provided*, either party may appeal to the Superior Court of Hertford County upon the question of damages, where such damages shall be re-assessed by the jury upon evidence offered, as in other trials in said court, but such appeal shall not obstruct the proceedings of said commissioners.

Condemnation of land for streets.

Proviso: appeal.

Power to levy taxes.

Sec. 23. The board of commissioners shall have power annually to levy a tax upon all persons and property within the corporate limits of said town and subject to taxation for county purposes under the general laws of the State, for the year in which said taxes are levied: *Provided*, the tax shall in no case exceed thirty-three and one-third (33⅓) cents on the hundred dollars valuation of property and one dollar on the poll, and the constitutional equation between property and poll shall always be observed.

Tax rate.

Property to be listed for taxation.

Sec. 24. That it shall be the duty of every person, firm or corporation residing, doing business or holding property within said town, annually, as may be required, to render to the board or such person as the board may appoint for that purpose a statement on

oath of all the property as well as polls subject to taxation under this act; and for failure to do so for one month after public notice of the taking of the tax list, given by advertisement in any newspaper published in the town, or by posting notice in front of the mayor's office and two other public places in the town for twenty days preceding the taking of such tax lists, the said person, firm or corporation shall be liable to a double tax on all property not given in for taxation, unless a sufficient excuse shall be given to and accepted by the board, and all unpaid taxes may be recovered by the constable in the same manner as the sheriff or tax collectors of the county are lawfully authorized to collect unpaid taxes due the county.

Double tax for failure to list.

Sec. 25. That the list-taker aforesaid shall make out said tax list, and not later than the first Monday in September of each year the board of commissioners of the town shall revise the same (except that they shall not change any values placed upon real estate by the county board of assessors) and place the list in the hands of the town constable, who shall proceed with the collection of the taxes on said tax list and complete his collection of said taxes by the first day of December following: *Provided*, the board of commissioners may extend the time for completing the collection of such taxes to a date not later than June first of the next year.

Tax list made out and revised.

Taxes collected by 1st December.

Proviso: time for collection extended.

Sec. 26. The town constable, who is hereinbefore made the tax collector for said town, shall, if any person fails to pay his taxes within the time prescribed for collection, proceed to collect by levy and sale, after public advertisement at three public places in the town, if the property be personal property. When the tax due on any lot or other real estate is not paid by the first day of December, or the time allowed by the commissioners for completing the collection of taxes, the said constable, as tax collector aforesaid, shall proceed to collect the same by levy and sale of personal property belonging to the owner of such lot or real estate, if enough of personal property can be found; and if enough of personal property cannot be found, the constable, as tax collector aforesaid, shall report the same to the commissioners of the town, together with a description of the lot or real estate of the delinquent tax-payer, and thereupon they shall direct the same to be sold, after due advertisement of thirty days at three public places in the town by the said tax collector: *Provided*, such tax collector shall give the owner personal notice of such advertisement of sale, if he be a resident of the town; and if he be a non-resident thereof, must mail notice to his address, if his place of residence is known. In default of payment of taxes, costs of advertisement and such other charges as are allowed by the general laws of the State to sheriff and tax collectors in such cases, by the hour and day of sale, the said tax collector shall sell the same for cash to the highest bidder in front of the mayor's office in said town; and if no person will bid enough to pay the taxes, penalties and

Collection by distress.

Commissioners to order sale of real estate.

Proviso: notice of sale.

Sale of real estate for taxes.

expenses, and no higher bid being offered, the same shall be struck off to the town, and, if not redeemed as hereinafter provided, shall belong to the town absolutely. The said tax collector shall report to said commissioners a statement of his proceedings, specifying the purchase and price, which shall be entered upon the book of the proceedings of the commissioners; and if there be any surplus, after paying the taxes and expenses, the same shall be paid into the town treasury, subject to the demand of the owner.

Report of sale.

Right of redemption.

Sec. 27. That the owner of any lot, real estate or interest in real estate, sold under the provisions of this act, his heirs, executors or administrators, or any person acting as agent for them, may redeem the same within one year from date of sale by paying to the purchaser the amount paid by him and twenty-five (25) per centum in addition thereto. That if the lot, real estate or interest therein sold as aforesaid shall not be redeemed within the time specified, the said tax collector or his successor, under directions of the mayor of the town, shall convey the same to the purchaser in fee-simple or to his assigns in fee.

Deeds to unredeemed property.

Terms of office.

Sec. 28. That all elections and appointments to any office authorized under this act shall be and extend to unexpired terms of the office of the incumbent commissioners, and any person appointed pursuant to this act, or any commissioner elected under the provisions of same, who shall refuse and fail to qualify and serve, shall forfeit and pay the sum of twenty-five dollars, to be recovered by the said board of commissioners by a warrant before the mayor of the town or any justice of the peace of the county.

Penalty for failure to qualify and serve.

Resignations.

Sec. 29. That the said board of commissioners or a majority of the members thereof shall have power to accept resignations of any officer appointed by them and also members of their own body and any officer of said town.

General laws to apply.

Sec. 30. That all privileges, powers and benefits conferred upon the commissioners of other towns in the State under the general laws for government of towns and cities are hereby conferred upon the said town of Murfreesboro.

Ordinances, rules and by-laws to remain in force.

Sec. 31. That all ordinances, rules and by-laws lawfully in force at the time of the passage of this act shall remain in force until regularly repealed by said board, and the officers now acting shall continue to serve until their successors are duly elected and qualified.

Commissioners may divide town into wards.

Sec. 32. The said board of commissioners may at any time hereafter, not within eight months of any election authorized under this act or under the general laws of North Carolina, divide the town into two or more wards, not exceeding three, to be named and described by said board by public notice posted in front of the mayor's office and two other public places in the town for the period of twenty days, and such wards may also be changed, enlarged, restricted or united as a whole in the same and like manner: *Provided,* that no such wards shall be created, changed, en-

Proviso: notice of proposed action.

larged, restricted or re-united unless twenty days' public notice of such intention shall be given in the manner provided in this section. And upon the division of the town into two or more wards, the commissioners from such wards shall be elected therefrom as follows: If the town be divided into two wards, then four commissioners shall represent the first ward on said board of commissioners, and be elected by the qualified voters in said first ward, and one commissioner shall represent the second ward on said board of commissioners and be elected by the qualified voters in said second ward; if the town be divided into three wards, then three commissioners shall represent the first ward on said board and be elected by the qualified voters in said ward, and one commissioner in each of the other wards shall represent his respective ward on said board of commissioners, and be elected by the qualified voters of his respective ward.

Apportionment of commissioners.

Sec. 33. The said board of commissioners shall be empowered to take such measures as they may deem necessary and effectual to prevent the entrance into the town of any contagious or infectious disease; may stop, detain and examine for that purpose any conveyance or vehicle, public or private, or any passenger or person coming from places believed to be infected, and if necessary detain or turn back suspected persons from such infected places. They may regulate and establish hospitals and pest-houses, may cause any person in the town suspected to be infected with such disease, and whose stay may endanger health, to be removed to such hospitals or pest-houses, and may remove from the town and destroy any furniture or other articles which may be suspected of being tainted with or containing germs of such diseases, and the town or any person acting for it shall not be liable for loss incurred by such destruction. And said town may remove or destroy, or cause to be removed and destroyed, any building supposed to contain germs of such diseases, upon making just compensation to the owner. And such compensation shall be ascertained in the manner hereinbefore provided for taking lands for street purposes, under the right of eminent domain. In order to guard against the introduction or spread of smallpox in the town the commissioners may require of all persons whose physical condition will permit compulsory vaccination, if not sufficiently vaccinated.

Quarantine powers.

Hospitals and pest-houses.

Infected houses destroyed.

Compensation to owner.

Vaccination.

Sec. 34. The said commissioners shall have power and authority to put and keep to work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on such person or persons for the violation of any ordinance of the town or rule or by-law thereof; and the commissioners shall have authority by their ordinances to control and manage such persons until the said fines, penalties or forfeitures, together with the costs thereof, shall be fully paid and satisfied,

Convicts worked on streets.

under such rate of labor and board as may be reasonable and prescribed by said board.

Former charter continued.

Sec. 35. That this act shall be in force from and after its ratification: *Provided*, that all laws heretofore constituting the charter of the town of Murfreesboro and affecting the government thereof are continued in full force, unless in conflict with the provisions of this act.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1907.

CHAPTER 87.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF ROCKINGHAM, RICHMOND COUNTY, NORTH CAROLINA, TO ISSUE BONDS TO CONSTRUCT WATER-WORKS AND A SEWERAGE SYSTEM.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Commissioners of the Town of Rockingham, Richmond County, North Carolina, for the purpose of constructing water-works and supplying the town with water, and for the purpose of constructing a system of sewerage, are hereby authorized and empowered to issue bonds, bearing interest at the rate of five per centum per annum, payable semi-annually from date of their issue, to an amount not exceeding forty thousand dollars. Said bonds shall be in such denomination, be payable at such place and run for such period of time as said commissioners may determine, and shall state in the face of the bonds, to each and every one of which shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first days of January and July of every year until the maturity of said bonds; and shall be numbered corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent and when the interest is due and where it is payable, and shall be receivable in payment of municipal taxes levied by said town.

Interest.

Amount.

Denominations.

Coupons receivable for town taxes.

How bonds authenticated.

Sec. 2. That the said bonds shall be issued under the signature of the mayor of said town and attested by the signature of the clerk and treasurer of said town, and the mayor and clerk and treasurer shall, under direction and with authority of the board of town commissioners, dispose of the said bonds as the necessity for the prosecution of the work may require, and it shall be the duty of the clerk and treasurer of said town to make and keep a record of the bonds sold, the number of bonds purchased, the name of the purchaser and the price received for the same.

How bonds sold.

Record of bonds.

Water rents.

Sec. 3. It shall be the duty of said commissioners to provide for the collection of rents, water charges and other revenues for the use of the water provided by said water-works and for the use of said sewerage system, and all revenues so derived shall be kept and used solely for the purpose of maintaining said system of water-works and sewerage, and the surplus, if any, shall be used in paying interest on the bonds issued under this act.

Appropriation.

Special tax for interest and sinking fund.

Sec. 4. That in order to pay the semi-annual interest on said bonds and the principal thereof as the same shall become due and payable, the commissioners of said town are hereby authorized, and it shall be their duty, to annually compute and levy, at the time of levying other taxes for said town, a sufficient special tax upon all polls and all real estate and personal property which shall be returned or listed for general taxation in said town, always observing the constitutional equation between the tax on property and the tax on poll, said taxes to be collected in the same manner and at the same time the other taxes of said town are collected, and to be paid over by the town tax collector to the treasurer of said town, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former for collecting and paying over, and the latter for the safe-keeping and proper disbursement of said funds.

Fund kept separate.

Sec. 5. That the taxes levied and collected for the purpose specified in section three of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purpose for which they were levied and collected, and any mayor or commissioner who shall appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which they were levied, any of the said special taxes or part thereof, or shall in any way violate the provisions of this act, shall be guilty of a misdemeanor: *Provided*, that if the said taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and the said commissioners, at the time of levying taxes for payment of interest for said next succeeding year, shall take into consideration said excess and shall compute and levy said tax accordingly.

Misappropriation a misdemeanor.

Proviso: surplus.

Election to be called.

Sec. 6. That the said board of commissioners shall not issue said bonds or any part thereof until they shall have first caused to be held in said town an election in which there shall be submitted to the qualified voters of said town the question of ratification of this act or its rejection, of issuing the bonds herein provided for or not issuing them, of levying the taxes provided for in section four of this act or not levying said taxes; and they are hereby authorized and directed to call the said election to be held and conducted on Tuesday after the first Monday in May, one thousand nine hundred and seven. The said election shall be ad-

Date.

Notice of election.

vertised by said commissioners for thirty days immediately preceding the day of election in some newspaper published in said town, and held by the same officers of election and under the same rules and regulations as are or may be provided for the election of the officers of the said town. Those who are in favor of ratifying this act, issuing said bonds and levying and collecting said taxes provided for in section four of this act, shall vote a written or printed ticket with the words "For Ratification, Bonds and Taxes" thereon, and those who are opposed to the ratification of this act, the issuing of said bonds and levying and collecting the said taxes, shall vote a written or printed ticket with the words "Rejection—Against Bonds and Taxes." The result of the election shall be ascertained by the officers thereof and certified and returned by them to the commissioners for the town of Rockingham within two days from the day of election, who shall officially find what such finding is and cause the same to be recorded in their minutes.

Form of ballots.

Returns.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1907.

CHAPTER 88.

AN ACT TO AMEND CHAPTER 77 OF THE PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter seventy-seven of the Private Laws of one thousand nine hundred and five be amended as follows: Add after the name of A. M. Bennett the following names, to-wit: "L. Lee Marr, W. M. Taylor and J. B. Carringer, who shall serve as trustees one, two and three years."

Additional trustees.

Sec. 2. That section three of said chapter be further amended as follows: Strike out all the words after the word "provided," at the bottom line of page two hundred and twelve of said act, up to and including the word "vacancy," in the second line on page two hundred and thirteen, and insert in lieu thereof the following: "All vacancies occurring in the board of trustees shall be filled by the Board of Education of Swain County."

Vacancies.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1907.

CHAPTER 89.

AN ACT TO ESTABLISH THE WADESBOROUGH GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Boundaries. Section 1. That the territory embraced within the following bounds, to-wit: a square extending one and one-half miles north, south, east and west from the center of the intersection of Wade and Green Streets, in the town of Wadesborough, county of Anson, shall be and is hereby constituted a public school district for white and colored children, to be known as the Wadesborough Graded School District. Name.

Election to be ordered. Sec. 2. That the Board of County Commissioners of Anson County are hereby authorized and required to order an election on Tuesday, April sixteenth, one thousand nine hundred and seven, after four weeks' notice in one or both of the weekly papers Notice of election, published in the town of Wadesborough, at which shall be submitted to the qualified voters residing in said territory the question to be voted on. question of levying on all polls and property therein an annual special tax not to exceed thirty cents on each hundred dollars valuation of property and ninety cents on each poll, for the support and maintenance of the public schools in said district.

Appointment of registrar. New registration. Judges of election. Sec. 3. That the said board of county commissioners shall appoint a registrar and order a new registration for said election, and shall appoint two qualified voters residing in said district as poll-holders and judges of said election, who, together with said registrar, shall hold said election at the time specified at the county court-house, in the town of Wadesborough, and shall canvass and judicially determine the result and certify the same to the board of county commissioners, who shall have the returns Returns to be recorded. duly recorded in the office of the register of deeds of said county; and said election shall be held in all other respects in accordance with the general provisions of the election law of the State: *Provided*, that no notice of said registration shall be required except such as said board of commissioners may order. Proviso: notice of registration.

Form of ballots. Sec. 4. At such election the voters in favor of the levying and collection of said tax shall vote a ballot on which shall be written or printed "For Graded Schools," and those opposed shall vote a ballot on which shall be written or printed "Against Graded Schools." If a majority of the qualified voters shall vote "For Graded Act to be in force. Schools," then all the provisions of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected the tax herein provided for in the same manner and at the same time as other taxes of the county are levied and collected; and the bond of the sheriff or tax collector Bond of sheriff. shall be responsible for said taxes to the same extent as it is liable for other taxes collected by him.

Trustees named.

Sec. 5. That the following persons shall constitute the board of trustees of said graded school district: I. H. Horton, J. E. C. Hill, Dr. W. F. Gay, W. L. Marshall and John Lowe, and their term of office shall expire on the first Monday in July, one thousand nine hundred and nine, and their successors shall be appointed by the General Assembly of one thousand nine hundred and nine, and biennially thereafter by said body. All vacancies occurring in the board of trustees by death, resignation, or otherwise, shall be filled for the unexpired term by the remaining members of said board of trustees.

Term of office.

Successors.

Vacancies.

Trustees to organize.

Sec. 6. That the said board of trustees shall organize within thirty days after the election, and shall elect a chairman and a secretary, and the Treasurer of Anson County shall be the treasurer of said board of trustees, and his bond shall be liable for all funds in his hands belonging to said school district in the same manner and to the same extent as it is liable for other school funds.

Apportionment from general school fund.

Sec. 7. That all funds apportioned to said district by the county board of education from the State and county school fund and all funds derived from the special tax levied and collected under the provisions of this act shall be turned over to the treasurer and placed to the credit of said Wadesborough Graded School District, and shall be apportioned and used under the direction of the said board of trustees for the support and maintenance of the schools in said district. No money shall be paid out by said treasurer except upon order of said board of trustees, signed by the chairman and the secretary thereof.

School orders.

Powers of trustees.

Sec. 8. The said board of trustees shall have the control and management of all the public schools in said district, and may establish such number of schools as they may deem necessary, and shall have full power to make rules and regulations for the government thereof and to employ and fix the compensation of all officers and teachers of said schools; and the proper officers shall be required to make to the State Superintendent, the county superintendent and the county board of education such reports as are required of other public schools by the public school law of this State.

Trustees incorporated.

Sec. 9. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate by the name and style of "The Board of Trustees of the Wadesborough Graded Schools," and by that name may sue and be sued, contract and be contracted with, purchase, hold and sell real estate and personal property, and exercise such other rights and privileges as are conferred by law upon corporate bodies. That the title of all public school property in the territory embraced in said graded school district shall vest in said board of trustees, who shall have authority to dispose of the same and apply the proceeds thereof to the use of the public schools in said district.

Corporate name.

Corporate powers.

Title of school property to vest in trustees.

Sec. 10. If the majority of the qualified voters at the election herein provided for shall vote "For Graded Schools," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the board of trustees of the Wadesborough graded schools authority to issue bonds in the sum of twenty thousand dollars for the purpose of purchasing the necessary land and erecting thereon suitable buildings and providing suitable equipment for said graded schools; and such authority shall be granted to and vested in said board of trustees, and said board of trustees are hereby authorized and empowered to issue and sell bonds in the name of said graded school district to an amount not to exceed twenty thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding five (5) per centum, with interest coupons attached payable at such time or times and at such place or places as may be deemed advisable by said board of trustees, such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not less than ten years from the date thereof, and at such place or places as said board of trustees may determine. The proceeds arising from the sale of said bonds shall be expended by said board of trustees in providing by purchase or otherwise such sites, buildings and equipment as may be deemed necessary: *Provided, however*, that the Treasurer of Anson County shall receive no compensation for receiving or disbursing the money which may be received from the sale of said bonds.

Bond issue authorized.

Amount.

Denomination.

Interest.

Appropriation of proceeds.

Proviso: compensation of treasurer.

Sec. 11. That said board of trustees are hereby authorized and empowered to provide for the payment of said bonds and the interest thereon out of the funds of said graded school district derived from the special tax and otherwise.

Payment of bonds and interest.

Sec. 12. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1907.

CHAPTER 90.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CANTON, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and sixty-five, Private Laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the town of Pigeon River, in Haywood County, North Carolina," as amended by chapter forty-three, Private Laws

Charter amended.

of one thousand eight hundred and ninety-three, changing the name of said town from Pigeon River to Canton, be and the same is hereby amended so as to read as follows:

Incorporation to continue.

Sec. 2. That the inhabitants of the town of Canton, Haywood County, N. C., shall be and continue as heretofore, together with those taken in by the extension of the corporate limits by the next section of this act, a body politic and corporate, and shall bear the name and style of the "Town of Canton," and under such name and style it is hereby invested with all the property and rights of property which now belong to the present town of Canton; and by the corporate name of the town of Canton it may purchase and hold for the purpose of its government, welfare and improvement all such real estate and personal property as may be deemed necessary therefor, or as may be conveyed, devised or bequeathed to it, and may from time to time sell, dispose of and re-invest as shall be deemed advisable by the board of commissioners of said town.

Corporate name.

Corporate powers.

Corporate limits.

Sec. 3. That the corporate limits of said town shall hereafter be as follows: Beginning on the east bank of Pigeon River in the Pharr and Holtsclaw line, and running east with said line, crossing Pigeon road to east bank of said road; thence with the east edge of said road to the west bank of of Locust Field road; thence with west edge of said Locust Field road to the south boundary line of the cemetery; thence with said line to the Dutch Cove road; thence with west bank or edge of said road to the J. H. Smathers and Holtsclaw line; thence with said line to the Spring Branch; thence down said branch to the south boundary line of the Jacob Miller tract of land; thence with said Miller line, crossing New Found road to the west edge of said road; thence with the west edge or side of said road to the Scott and Parker line; thence west with said line to the top of the ridge west of Camp Ground Branch; thence west one hundred (100) feet to old Parker line; thence south one hundred (100) feet north of the watershed of said ridge to the north line of the Champion Fibre Company's J. H. Moore tract of land; thence with said north line to Pigeon River; thence up said river to the mouth of the Mingus Branch; thence up said branch to the Southern Railroad; thence with said railroad to the Wells and Halliburton line; thence with said line to the top of the mountain; thence down said mountain and with the old corporation line of the said town of Canton, crossing Pigeon River, to the beginning.

Town officers.

Sec. 4. That the officers of said town shall, as heretofore, consist of a mayor and three commissioners, and the commissioners shall have the power to appoint or elect a constable or marshal, clerk, treasurer, tax collector, special policemen and such other officers and agents as may be necessary to enforce the ordinances and regulations of the town as provided by law.

Sec. 5. That the next election of said officers for said town shall be held on Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, and the voting place or places shall be designated by the commissioners of said town, as provided by law. Town elections.

Sec. 6. That a new registration shall be had for said town, in order to include the electors taken in by the extension of the corporate limits of the town, as defined by the third section of this act, and to otherwise complete the registration of the qualified voters of said town. That the board of commissioners shall furnish to the registrar the necessary book or books for such registration, and that J. W. Scott be and is hereby appointed such registrar to make such new registration, and W. F. Cook and R. E. Hipps be and are hereby appointed judges of the election to be held for said town in May, one thousand nine hundred and seven, with full power given to the board of commissioners to fill any vacancy that may occur. That such registration shall be conducted in the manner provided by chapter seventy-three, entitled "Towns," Revisal of one thousand nine hundred and five, of North Carolina, and the provisions of said chapter apply to said registration and election, except that no notice of such new registration shall be necessary for the election in May, one thousand nine hundred and seven. That after the election in May, one thousand nine hundred and seven, all registrations and elections shall be held and conducted in accordance with the general law of elections for towns and cities. Registration. Registrar. Judges of election. Rules for registration.

Sec. 7. That, in order to raise a fund for the expenses incident to the proper government of the town and for the improvement thereof, the commissioners shall, on the first Monday in June, one thousand nine hundred and seven, and each year thereafter, levy the following taxes, to-wit: First, on all real and personal property within the corporate limits of the town, including money on hand, and all other subjects taxable by the General Assembly of North Carolina, as specified, set forth and valued on the tax list of Haywood County, a tax *ad valorem*, not exceeding one dollar on every hundred dollars in valuation; second, on all taxable polls residing within the corporate limits of said town on the first day of June of each year, commencing June, one thousand nine hundred and seven, a tax not exceeding three dollars. Tax on property. Rate. Poll tax.

Sec. 8. That in addition to the taxes provided for in the preceding section the commissioners of said town shall have power to levy and collect a privilege or license tax on all subjects, trades, professions, etc., subject to such tax by the provisions of chapter seventy-three, entitled "Towns," Revisal of one thousand nine hundred and five of North Carolina: *Provided*, that nothing herein contained shall be construed to authorize the sale of whiskey within the corporate limits of said town. That the commissioners of said town shall meet on or before the fifteenth day of May of Privilege and license taxes. Proviso: sale of whiskey not authorized. Commissioners to fix license taxes.

each year hereafter and designate the subjects, trades, professions, etc., liable for such privilege or license tax, and levy and fix the amount of such tax and post the same by notice in said town at three or more public places within the corporate limits of said town, on or before the twentieth day of May of each year: *Provided, however*, that they may meet at any time and levy such license tax on shows and other things subject to tax of a transient nature: *Provided further*, that the board of commissioners may exempt from this tax such concerts and exhibitions as are deemed for the public good. That all parties liable to the privilege and license tax as aforesaid shall, on the day prescribed for listing State and county taxes, render on oath to the clerk of the town, or mayor, in case no clerk shall be appointed (and said mayor is hereby constituted a commissioner of affidavits for that purpose), a list of such property, subjects, trades, professions, etc., liable to such license or privilege tax, under all rules and penalties prescribed for listing State and county taxes, and if any person or persons shall fail to render such list within the time prescribed for listing State and county taxes, he or they shall pay double the tax assessed on anything for which they are liable.

Proviso: license tax on shows.

Proviso: commissioners may exempt.

Taxes to be listed.

Double tax for failure to list.

Assessments.

Sec. 9. That the clerk or mayor of said town shall procure from the Register of Deeds of Haywood County a duly certified list of the assessments of the value of property, real and personal, and polls, which have been returned to him for taxation, situate in the said town of Canton, and such other records pertaining to matters taxable by the town as may be kept in his office; and where any real estate assessed by the county authorities shall lie partly within and partly without the limits of the said town of Canton it shall be the duty of the board of commissioners of said town to appoint a justice of the peace and two freeholders of said town to appraise the property within the town and fix upon it its true value in proportion to the value of the whole as assessed for taxation; and where there is an increase in the value of town property, by reason of any improvement, it shall be the duty of the board of commissioners of said town, at their meeting in May of each and every year, to certify the same to the board of county commissioners at their regular meeting in June, and the county commissioners shall appoint assessors to value said town property under the same rules as are provided by law for assessing real property; and in case of decrease of value of real property, by fire or other destruction of the same, reduction shall be made in the same manner as provided for assessing such property when there is an increase: *Provided*, that any person, persons, firm or corporation who shall fail to list his, their, or its property for taxation, as provided by law, shall be liable to double tax, and the commissioners of said town may discover the same and fix the value thereon, and place the same on the tax list of the town in the same manner as if such taxes had been included in the

Assessment of improvements.

Reductions.

Proviso: property unlisted.

certified list secured from the register of deeds of the county, and such discovery shall be reported to the Board of Commissioners of Haywood County. The board of town commissioners shall have all the powers given to the authorities of Haywood County, and that provided by law pertaining to the revision of tax lists, except the power to alter the value of real estate.

When taxes payable.

Sec. 10. That as soon as the tax list can be completed, and not later than the regular meeting of the board of commissioners of said town in August, they shall cause the tax list to be placed for collection in the hands of the constable or tax collector, who shall proceed forthwith with the collection, and shall complete the same by the first day of November following: *Provided*, that said commissioners may extend the time for completion of such collection as they may think best, not later than the first of March ensuing; and the tax collector shall pay over all moneys as collected, at least as often as once a week, to the treasurer of said town and take his receipt therefor; and the tax collector shall receive as his fees for the collection of the taxes not more than five per centum on the amount collected, at the discretion of the board of commissioners of said town.

Proviso: extension of time for collection.

Tax collector to settle weekly.

Commissions.

Failure to list poll tax a misdemeanor.

Sec. 11. That all persons who are liable for poll tax to said town, or for any other tax, including privilege or license tax, who shall wilfully fail to list the same, as herein provided, shall be deemed guilty of a misdemeanor to the same extent as for failure to list State and county taxes, and on conviction therefor before the mayor shall be fined not exceeding twenty-five dollars, or be imprisoned not more than ten days; and it shall be the duty of the tax collector to prosecute offenders against this section: *Provided*, that any person prosecuted under this section may be discharged by the mayor upon the payment of double the amount of taxes found due by him to the town, together with the cost of the prosecution.

Punishment.

Proviso: double tax in lieu of punishment.

Collection by distress.

Sec. 12. That if any person liable to payment of any tax shall fail to pay the same within the time prescribed for collection, the collector shall proceed to collect the same forthwith by distress and sale, after public advertisement for a space of fifteen days by posters at three public places in the said town of Canton, if the property to be sold be personal.

Taxes lien on real estate.

Sec. 13. That when the taxes are due on any real estate they shall be a lien on the same, and if they shall remain unpaid after the time fixed for the collection of said tax, the collector shall proceed to collect the same by distress of personal property, if sufficient amount can be found in the town belonging to the owner of such real estate, and if sufficient personal property cannot be found the collector shall report to the commissioners of the town such real estate and the amount of taxes due thereon, and thereupon the commissioners shall order a sale of the same, or so

Commissioners to order sale.

much thereof as may be necessary for the payment of taxes and expenses, costs, etc. All sales of real estate shall be made in the town of Canton at a point designated by the tax collector in the notice, and shall be advertised for thirty days by posters at three public places in said town, and the commissioners of the town may, if they elect to do so, cause said notice of sale to be advertised in some newspaper published in Haywood County once a week for four consecutive weeks. It shall be the duty of the collector to notify the owner or agent of the real estate to be sold of the amount of taxes, costs and expenses due thereon, and the day of sale, if the residence of such owner or agent be known. The collector shall divide such real estate into suitable lots, if the same can be conveniently done, but if not, he shall sell the whole; in either case he shall sell to the highest bidder for cash, and if such real estate will not sell for enough to pay the taxes due and costs, and expenses of sale, etc., he shall bid the amount of tax, cost, expenses, etc., for the town. The collector shall give the purchaser a certificate of purchase, and the owner, his administrator, executor, heirs or assigns may, at any time within twelve months after the date of sale, redeem said real estate by paying to the purchaser the amount of his bid with twenty-five per cent. added; and if the purchaser cannot be found, or will not accept the money, such party may pay the same over to the treasurer of the town and take his receipt therefor and notify the tax collector, or his successor in office, and such payment shall be deemed a good payment. After twelve months, if the land has not been redeemed, the collector or his successor shall execute a deed of conveyance to the purchaser or his assignee, or holder of the certificate of purchase, which deed shall vest the title; and if the town, the title shall vest in the town: *Provided*, that the town may assign its certificate of purchase, and the assignee or holder thereof shall have the same rights as herein provided for the original purchaser.

Sales of real estate.

Advertisement.

Owner or agent to be notified.

Property divided.

Certificate of purchase.

Right of redemption.

Deeds for property not redeemed.

Proviso; assignment of certificates.

Powers and duties of tax collector.

Sec. 14. That the constable or tax collector of said town, in addition to the authority hereinbefore given, shall have the same power and authority in the collection of taxes that the sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty; he shall be charged with sums appearing on the tax list as due for town taxes; he shall be credited in settlement, as are sheriffs, with all insolvent or uncollectible taxes; he shall at no time retain in his hands any money for a longer time than a week, under a penalty of ten per centum per month of all sums so unlawfully retained; said constable or tax collector to make full settlement with the town treasurer of all fines and taxes, including privilege or license and all other taxes, five days previous to the first Monday in May of each year. It shall be the duty of said board of town commissioners to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from

Final settlement.

Removal for failure to settle.

him, and he shall not be eligible to re-election. The tax collector and treasurer of the town, and such other officers as may have charge of any funds of the town, shall give such bonds for the faithful performance of their duties as shall be prescribed by the board of commissioners, not to be less than double the amount of funds that may be estimated to pass through their hands, and shall receive such fees as shall be prescribed by said board of commissioners, not to exceed the fees allowed to county officers for like services. Bonds of tax collector and treasurer. Fees.

Sec. 15. That the board of commissioners of the town shall have power at any time, whenever by them deemed necessary, to lay out and open new streets and sidewalks, or to widen, enlarge, change, extend or discontinue any street or streets, sidewalk or sidewalks, or any part thereof within the corporate limits of the said town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for the purposes named in this section, upon making reasonable compensation to the owner thereof: but in case the owner or owners of said land sought to be condemned or appropriated for the public use by the commissioners and the commissioners cannot agree as to the compensation, then it shall be the duty of the board of commissioners forthwith to appoint three disinterested freeholders, residents of said town, not connected with the claimant either by consanguinity or affinity, who shall forthwith go upon the premises and view the same and assess the damages which such property-holder shall sustain, taking into consideration the benefit which will accrue to such property from the improvement, and report the same to the board of commissioners, who shall pay the damages assessed, if any, and proceed to establish such street and sidewalks. But before proceeding to view said premises and assess said damages the appraisers chosen shall take the following oath before the mayor of the town or some justice of the peace: "I, A. B., do solemnly swear (or affirm) that I will faithfully and honestly discharge the duty of appraiser for which I have been chosen and a true report make: So help me, God." That in case either the owner of the premises or the commissioners of the town shall be dissatisfied with the damages assessed by the appraisers, either may appeal, without bond, from the decision of said appraisers to the next term of the Superior Court of Haywood County, when the case shall be tried by the court and jury, but the Judge may, in his discretion, require either party to give bond when the case is taken on appeal to the Superior Court: *Provided*, that the party to whom the damages are awarded shall recover no more cost than a sum equal to the damages awarded by the court and jury. When an appeal is taken by the landowner the case shall be entitled "(here give the name of the landowner) v. the Town of Canton," and *vice versa*, if the appeal be taken by the town, and either party shall give five days' written Powers of town commissioners as to streets. Condemnation of land. Oath of appraisers. Appeal. Bond on appeal. Proviso: costs not to exceed damages. Appeal docketed.

notice to the other of such appeal, and the appeal shall be docketed by the Clerk of the Superior Court of Haywood County, under the same rules and regulations as are prescribed by law for docketing appeals taken from the judgment of justices of the peace of the county. That if any land-owners be infants, idiots or lunatics they shall be represented by their guardian; but if they have no general guardian a guardian may be appointed by the court, upon the application of any one interested, to represent said infants, idiots or lunatics in said appraisement and proceedings, and any sum of money realized from lands condemned, as aforesaid, belonging to said infants, idiots or lunatics, shall be invested or expended by the guardian as may be directed by the court, subject to the approval of the Judge, as provided by law. And such guardian shall have the same right of appeal from the judgment of the appraisers as herein provided for other land-owners.

Persons under disability.

Cemetery.

Sec. 16. That the commissioners of said town shall by ordinance regulate and govern the cemetery included within the corporate limits of the town, and it shall be their duty to lay off the unoccupied portion of said ground into suitable lots, with walks and drives laid out to the best advantage, not interfering with the graves already in said cemetery, and may by ordinance prohibit the digging of a grave or burial in any other place than that allotted for graves. That said board of commissioners may, if they elect to do so, discontinue the use of the present cemetery and purchase the necessary land for a new cemetery for the use of the town and locality, either within or without the corporate limits of said town, on such terms as may be agreed upon between said board of commissioners and the land-owner or owners. But in case such land cannot be purchased on terms satisfactory to the board of commissioners of said town, then, and in that event, the right is hereby given to the said town of Canton to enter upon the land needed for such cemetery and survey the same, and proceed to condemn and pay for the same, as provided by chapter sixty-one, entitled "Railroads," Revisal of one thousand nine hundred and five of North Carolina, or as otherwise provided by law: *Provided*, that the petition for condemning such land shall set forth the location and number of acres to be condemned for the cemetery. When said land shall be acquired by such procedure and paid for, the title to the same shall vest in the town in fee-simple for the burial purposes aforesaid, and if deemed necessary, the Court may, upon application, or a suit instituted by said town against the party whose land has been condemned for the purposes aforesaid, compel such party or parties to execute and deliver to the board of commissioners of said town a deed in fee-simple for such property. That the said commissioners shall have the full control and management of said cemetery, and may cause the same to be surveyed into lots for burial purposes, and sell the same for burial purposes and regulate the manner of burial, and

May establish new cemetery.

May condemn land for cemetery.

Proviso.

Title to property condemned.

Cemetery lots.

lay out drives and walks and otherwise regulate said cemetery: *Provided*, that the proceeds realized from the sale of said burial lots shall be used in keeping up said cemetery, and the treasurer of said town shall keep a separate account of all funds realized from such sales and expended on said cemetery. Proviso: sale of lots.

Sec. 17. That all persons resident in said town of Canton liable to road duty under the road law of Haywood County shall be liable to do six days' work each upon the streets, bridges and sidewalks of said town in each year, and shall be given the same notice to do said work as provided in the Haywood County road law, and upon failure to do said work when notified as aforesaid, shall be guilty of a misdemeanor, and shall be fined not to exceed fifty dollars or imprisoned more than thirty days: *Provided*, that in lieu of such labor they may pay six dollars each for the year, if the same be paid before the first day of June of each year hereafter, which shall be expended in improvements on the streets and sidewalks. Road duty. Proviso: commutation for road work.

Sec. 18. When it shall be necessary for the preservation of the public peace, good order and common decency, or the protection of life, liberty, person or property of individuals, the town marshal shall have power and it shall be the duty of such marshal to arrest the body of offending parties, who have violated the law in the presence of said marshal, without warrant, to take such person or persons before the mayor of said town as early as practicable to be dealt with as the law directs; and for every resistance to such authority by such offender or others, the party so resisting shall be punished as the ordinances of said town shall provide; and, if necessary, the marshal shall have power to call to his aid any bystanders to assist him in any legal arrest, and any one so summoned or called who refuses or fails to assist in making such arrest or arrests shall, upon conviction before the mayor, be punished as the ordinances of said town prescribe. Powers of town marshal. Marshal to summon posse.

Sec. 19. That the commissioners shall have the power to abate all nuisances and impose such fines and penalties as may be necessary to abate them; they shall also have power to prescribe any rules, regulations and ordinances for the good government of the town, not inconsistent with the laws of the State or the United States. Nuisances.

Sec. 20. That any person violating any ordinance of said town shall be guilty of a misdemeanor, but the punishment thereof, upon conviction, shall not exceed a fine of fifty dollars or imprisonment for more than thirty days. Violation of ordinances a misdemeanor.

Sec. 21. That it shall be unlawful for any person or persons to manufacture, sell or give away, or dispose of in any way, directly or indirectly, any spirituous liquors or intoxicating drinks within the corporate limits of said town, and any person violating the provisions of this act shall be guilty of a misdemeanor, and on Manufacture, sale or gift of liquors forbidden. Misdemeanor.

Punishment. conviction shall be fined not more than fifty dollars nor imprisoned more than thirty days, or both, for each and every offense.

Mayor constituted inferior court. Sec. 22. That the Mayor of the Town of Canton is hereby constituted an inferior court, and as such court said mayor shall be a magistrate and conservator of the peace, and within the corporate limits of said town shall have the jurisdiction of a justice of the peace in all criminal matters arising under the laws of the

Jurisdiction. State or under the ordinances of said town. As such court the mayor of said town shall have the authority to hear and determine all cases that may arise upon the ordinances of the town; to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the laws and rules that may be made and provided by the board of commissioners of said town for the

Appeal. government and regulation of said town; but in all cases any person dissatisfied with the judgment of the mayor may appeal to the Superior Court, as in case of a judgment rendered by a justice

Rules of proceeding. of the peace. The rules of law regulating proceedings before a justice of the peace shall be applicable to proceedings before said

Fees. mayor, and he shall be entitled to the same fees which are allowed to justices of the peace.

Powers given under general law. Sec. 23. That in addition to the powers hereinbefore given by the provisions of this act the mayor, commissioners and other officers and agents of said town of Canton are hereby given all the powers, rights and privileges under chapter seventy-three, entitled "Towns," of the Revisal of one thousand nine hundred and five of North Carolina, and those otherwise provided by law.

Sec. 24. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 25. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1907.

CHAPTER 91.

AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF NEW LONDON.

The General Assembly of North Carolina do enact:

Incorporation continued. Section 1. That the inhabitants of the town of New London shall be and continue as they have been, a body corporate, and

Corporate name. shall bear the name and style of the "Town of New London," and shall have power to purchase and hold real estate for the benefit

Corporate powers under general law. of the town, and that said town shall have the power to sue and be sued, to plead and be impleaded, as any other corporation; and that said town shall be subject to and have the benefit of the

general laws of the State in relation to corporations of like kind not inconsistent with this act.

Corporate limits.

Sec. 2. That the corporate limits of the said town shall be as follows: Beginning at a point in the center of the public square at the intersection of Depot and Main streets, and running thence south eighteen degrees east one thousand six hundred and fifty feet to a planted stone; thence north seventy-two degrees east two thousand feet to a planted stone; thence north eighteen degrees west three thousand six hundred and fifty feet to a planted stone; thence south seventy-two degrees west one thousand five hundred and seventeen feet to the east edge of Yadkin Street; thence north eighteen degrees west eight hundred feet to a planted stone; thence south seventy-two degrees west nine hundred and sixty-six feet to the west side of Vine Street; thence south eighteen degrees east eight hundred feet to a planted stone; thence south seventy-two degrees west one thousand five hundred and seventeen feet to a planted stone; thence south eighteen degrees east three thousand six hundred and fifty feet to a planted stone; thence north seventy-two degrees east two thousand feet to the south end of the first line.

Town officers.

Sec. 3. The officers of said town shall consist of a mayor, three commissioners and a marshal, all of which shall be elected at the regular elections to be held as provided by this act, except the marshal, who shall be appointed by the board of town commissioners for a term of two years: *Provided*, that said board of commissioners shall have the right to revoke said appointment at any time on failure of any marshal to perform the duties of his office satisfactorily; said marshal to be paid for his services in any lawful way that said board may see fit.

Proviso: town marshal.

Voters.

Sec. 4. That all resident citizens who are qualified voters of this State within said corporation, that have resided in the county for six months and in the town for four months next preceding any election held in said town, shall be entitled to vote, and all qualified voters in the incorporation shall be eligible to hold office in said corporation.

Mayor to qualify.

Sec. 5. That it shall be the duty of the mayor of said town to take the oath of office prescribed by law within five days after his election, and that the commissioners elected at any election for said town shall meet and organize within five days next after their election, and they shall take the oath of office that they, as a body, will faithfully and impartially perform the duties of commissioners to the best of their knowledge and their ability for the ensuing term.

Commissioners to qualify.

Tax rate.

Sec. 6. The commissioners of said town shall have power to levy a tax each year, not exceeding one dollar and fifty cents on the poll and fifty cents on the hundred dollars valuation of property; said valuation to be the same that is placed thereon to raise the revenue for State and county purposes. The board of commissioners shall, at their first regular meeting in April, one

Appointment of tax-lister.

thousand nine hundred and seven, and annually thereafter, appoint some competent person, who shall, on or before the fifteenth of May of each and every year, make advertisement in at least four public places in said town, notifying all persons residing in the town of New London who have or control taxable property in said town to appear before him at the times and places mentioned in said advertisements, which dates shall be between the first and last days of June each year, and to return to him a list of their taxable property in said town; said list shall state the number of lots, or parts of lots, and all other property now taxable, or that may hereafter be made taxable by the laws of the State or the ordinances of the town, and the lists so returned shall be sworn to by the usual oath in the State for listing property. From the returns so made the person so appointed as aforesaid shall, on or before the fifteenth day of July each year, make out in a book for that purpose an alphabetical list of persons and owners of property who have so made their returns in the same manner as the tax list as made out by law for the collection of State taxes; and the tax-lister appointed as aforesaid shall copy in said book the assessment made by the county of said assessors of all property within the town limits, which assessment may be revised, corrected or amended by the board of aldermen, but must at all times be the same in value as the assessment placed thereon for State and county purposes. The owners of any property which lies partly within and partly without the limits of said town shall cause the State and county assessors to separate and fix the value separately on that part of the property lying within said town. When the State and county assessors sit in the town of New London for assessing State and county taxes, the assessors for the town of New London shall sit with them at the same time and place, and list the property for said town. If any person liable for taxes on poll or other subjects to be listed in said town shall fail to list, or cause to be listed, the same during the month of June each year, as hereinbefore provided, he shall be subject to double tax, and the commissioners of said town shall have all the rights and remedies under the State laws to compel said person to appear and list said tax, and the tax collector of said town shall have all the authority, rights and power to collect taxes due said town as conferred from time to time by the Legislature upon the sheriffs and other tax collectors of the State for collecting State and county taxes.

Notice to list taxes.

Tax-lister to make out books.

Assessment of real estate.

Double tax for failure to list.

When taxes due.

Sec. 7. That all taxes levied by the commissioners of said town shall be due and collectible at any time after the first day of September in each year, and that the commissioners may expend all moneys collected as they may deem best for the interest of the town.

Tax lists subject to correction and inspection.

Sec. 8. That all tax lists or books which have been, or may hereafter be, placed in the hands of the town collector shall be

subject at all times to the control of the authorities imposing said tax, and subject to correction, and shall be open for inspection by the public.

Bond of marshal.

Sec. 9. That the marshal, appointed by the said board of commissioners, shall enter into a bond payable to the State of North Carolina, the amount of which shall be approved and fixed by the board of commissioners; and the board shall appoint the said marshal or some other competent person as tax collector for said town, who, after giving an approved bond in an amount to be fixed by the board of commissioners, shall collect all taxes for said town, under the same laws and regulations as are prescribed for the sheriff of the county.

Tax collector.

Bond.

Power of commissioners as to streets.

Sec. 10. That the board of commissioners of said town shall have power to grade, macadamize and pave the streets and sidewalks, and lay out and open new streets or widen those already opened, and to make such improvements thereon as the public convenience may require; and that the board shall be the sole judges of the improvements required. The board may condemn any land for public use under the same rules and regulations as are hereafter provided for the laying out of public streets in this act.

May condemn land.

Procedure for condemnation of land.

Sec. 11. That when any land or right-of-way shall be required for the purpose of opening new streets, or for other objects allowed by this charter, and for want of agreement as to the compensation therefor, the same may be taken at a valuation to be made by three freeholders of the town, one to be chosen by the board of commissioners and one to be selected by the land-owner, and these two select a third; and in case the land-owner refuses to select one, then the commissioners shall select all three. And, in making said valuation, said freeholders, after being duly sworn by the mayor, shall at once proceed to condemn said lands, and take into consideration the loss or damage which may accrue to the owner in consequence of the lands or right-of-way being surrendered; also any benefit or advantage such owner may receive from the opening or widening of such streets, or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of commissioners under their hands and seals, which, on being confirmed by the board and spread on their minutes, shall have the effect of a judgment against said board of commissioners, and shall pass the title of the lands so taken to the board of commissioners in their corporate capacity, and the lands may at once be condemned and used by said town for the purpose intended: *Provided*, that, if any person over whose land the said street may pass or improvements be created or the commissioners be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of the Superior Court within ten days after filing

Benefits to be considered.

Proviso: appeals.

Proviso: appeal not to delay action.

said report: *Provided, however*, that such appeal shall not hinder or delay the commissioners from opening or widening such streets or creating such improvements.

Pay of jury of view.

Sec. 12. That all freeholders appointed to assess damages shall receive one dollar per day for their services, and any freeholder who shall refuse to take the oath prescribed and to act according to law, after having been duly appointed by the board and after having been notified in writing by the marshal, shall be deemed guilty of a misdemeanor, and fined twenty dollars for each offense by the mayor.

Failure to act a misdemeanor.

Punishment.

Jurisdiction of mayor.

Sec. 13. That the mayor shall have the same jurisdiction as a justice of the peace in all criminal actions within the incorporate limits, and shall have exclusive jurisdiction to hear and determine all misdemeanors consisting of violations of the ordinances of said town; that all fines collected by him in criminal actions under the law of this State shall be paid out as provided by law.

Proceedings in mayor's court.

Sec. 14. All proceedings in the mayor's court shall be the same as are now, or hereafter shall be, prescribed for courts of the justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Stanly County. That, whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court, it shall be competent for the said court to sentence such person to imprisonment in the county jail, or town prison, for a term not to exceed thirty days, and to adjudge also that such person during the period of his confinement be worked on the streets or on the public works of the town.

Prisoners sentenced to street work.

Terms of officers.

Sec. 15. That all officers elected at any election in the town of New London shall hold office for the term of two years, and until their successors are elected and qualified. That in the absence of any officer of the town, or during sickness of any of the officers, the commissioners may appoint a man to fill the office during his absence or during his inability, and no longer. If the absence be caused by resignation, the board may appoint an officer to fill the unexpired term.

Absence and vacancies.

Secretary and treasurer.

Sec. 16. That the commissioners shall, at their first meeting after being qualified, elect for the ensuing term a secretary and treasurer, and that the treasurer shall enter into a bond, payable to the town of New London or to the State, the amount of which shall be fixed by the board, and that said bond shall be recorded in the office of the Register of Deeds for Stanly County, as other bonds for county officers.

Bond of treasurer.

Fire company.

Sec. 17. That the commissioners may provide for the establishment and equipment of a fire company for said town.

Sanitary committee.

Sec. 18. That the commissioners of said town shall constitute a sanitary committee, and that all orders made by them for the preservation of the health of the citizens of the town shall be put into effect by the marshal. Any person who shall fail to comply

with any order made by the board, after having been notified in writing by the marshal, shall be deemed guilty of a misdemeanor, and fined by the mayor for each and every offense not less than five dollars nor more than fifty dollars.

Arrests without warrant.

Sec. 19. That, if any person shall be found violating the laws of this State or any of the town ordinances by the marshal or other officer appointed to act as such within the incorporate limits, he shall forthwith arrest the offender, without a warrant, and immediately carry him before the mayor to answer the charge and be dealt with according to law.

Fire limits.

Sec. 20. The board of commissioners of said town are hereby authorized and empowered to establish a fire limit within a reasonable distance from the center of the town, and to pass an ordinance, or ordinances, to the effect that none other than brick or stone or metal buildings shall be built or erected within said limits; and that they may repeal said ordinances at any time they may deem it necessary for the interest of the town and property-holders therein.

Special subjects of taxation.

Sec. 21. That the board of commissioners shall have power to tax circuses, shows, liquor dealers, theaters, artificial curiosities, vendors of patent proprietary medicines, or any entertainment, musical or otherwise, and exhibits of any character for money or reward; peddlers of all kinds of goods, wares, merchandise, paints, polishes, varnishes, oils; markets for fresh meats, and fix and regulate the sale thereof; dealers in fire-works, draymen, barbers and liverymen, as they may see fit and proper, not inconsistent with the laws of the State.

Mayor pro tem.

Sec. 22. That the board of commissioners of said town shall have power to elect a mayor *pro tem.*, who, on the death, absence, failure to qualify, resignation, or removal of the mayor, shall be vested with all the powers and discharge all the duties of the said mayor.

Forfeiture on commissioner for failure to attend meetings.

Sec. 23. That, if any commissioner shall fail to attend a regular meeting of the board of commissioners, or called meeting, of which he shall have had notice, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town one dollar for each and every offense, and it shall be the duty of the mayor to enforce such forfeitures as in all other criminal actions.

Salary of mayor.

Sec. 24. That the commissioners may allow the mayor such reasonable salary as they may see fit and proper, the amount depending upon services needed and rendered.

Present officers continued.

Sec. 25. That the mayor and commissioners now in office shall hold office until the next regular election, on Tuesday after the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified.

Commissioners to enact ordinances.

Sec. 26. That the board of commissioners shall have power to enact any ordinance or ordinances, and to pass all laws and regulations not incorporated in this charter they may deem necessary for the better government of the town, not inconsistent with the general laws and Constitution of the State.

Sec. 27. That all laws and clauses of laws heretofore enacted, inconsistent with the charter of New London, and all other laws conflicting with this act, are this day repealed and this charter substituted.

Sec. 28. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1907.

CHAPTER 92.

AN ACT TO EXTEND AND ENLARGE THE CRIMINAL JURISDICTION OF THE MAYOR OF THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Jurisdiction extended to include Princeville.

Section 1. That chapter two hundred and thirty-six of the Private Laws of one thousand nine hundred and five be and the same is hereby amended as follows, viz.: Add section five to said act, which shall be in the following language: That the criminal jurisdiction of the Mayor of the Town of Tarboro, Edgecombe County, North Carolina, be and the same is hereby extended beyond the corporate limits of said town into, over, and so as to include all the territory adjacent to said town incorporated under the name of the Town of Princeville, Edgecombe County, North Carolina, and that said jurisdiction extended be concurrent with that of the Mayor of the Town of Princeville, as aforesaid, in all offenses occurring within the corporate limits of said town of Princeville: *Provided*, that no offender shall be apprehended and brought to trial at the instance of and before both of the mayors of said towns as aforesaid for one and the same violation of ordinance or ordinances.

Proviso: concurrent jurisdiction.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1907.

CHAPTER 93.

AN ACT TO ESTABLISH GLEN ALPINE GRADED SCHOOL DISTRICT, IN THE COUNTY OF BURKE.

Preamble.

Whereas, heretofore the territory hereinafter described was erected into a special school district by order of the County Board of Education of Burke County, in pursuance of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five; and whereas, afterwards, to-wit, on the tenth day of September, one thousand nine hundred and six, at an election held in pursuance of said section, a majority of the qualified votes of said district were cast in favor of levying and collecting a special tax for the purpose of establishing and maintaining a public school in said district, of thirty cents on the one hundred dollars' worth of property and ninety cents on the poll; and whereas it is desired to erect said district into a graded school district, and to provide trustees to manage and control the same: now, therefore,

The General Assembly of North Carolina do enact:

Graded school district established.

Section 1. That the following boundary of land in Burke County, including the village of Glen Alpine, shall constitute a graded school district, to be known as "Glen Alpine Graded School District"; that is to say, beginning on W. S. Patton's east corner, on the bank of the Catawba River, and running south with his line to the west switch of the Southern Railway at Calvin Station; thence with the Tate Mill road to Little Silver Creek; thence with the meanders of Little Silver Creek, a west course to J. A. Claywell's west line; thence with Claywell's west line to Big Silver Creek; thence with the meanders of Big Silver Creek to the Robert McElrath mill shoal; thence a northwest course, a straight line, to the east side of the Lucy Happoldt tract; then with the Ridge road to the ford of Little Silver Creek near Propst's old saw-mill site; thence a straight line to the top of the hill in the Asheville road west of J. M. Brinkley's residence, near the colored parsonage; then with the Asheville road to the Bobtown road; thence with the Bobtown road to the southwest side of Samuel Simpson's house; thence a direct line to the nine-mile post on the Asheville road; thence a straight line, a north course, with the top of the ridge to the Catawba River; thence down the river to J. W. Simpson's east corner; thence to the road leading out from Simpson's barn to the J. J. Sigmon road; thence with said road to the Catawba River at the J. J. Sigmon ford; thence down the river with the meanders to the beginning.

Boundaries.

Trustees named.

Sec. 2. That J. H. Giles, J. M. Orders, J. D. Pitts, M. N. Hennessee and J. M. Brinkley be and they are hereby constituted a board of trustees for said graded school district. Immediately

Trustees to be classified.

after the ratification of the act, the said board shall meet, and by lot divide themselves into three classes, one of whom shall hold office for two years, two for four years and two for six years, and until their successors are elected as hereinafter provided.

Election of successors.

Sec. 3. Whenever the term of office of any class of said trustees shall expire, as above provided, their successor or successors shall be elected for a term of six years by the qualified voters of said graded school district on the same date as the town election for mayor and commissioners for the town of Glen Alpine, North Carolina. That it shall be the duty of the County Board of Elections of Burke County, at least thirty days before the time for holding an election in said graded school district as above provided, to appoint a registrar and two judges of election to hold the election in said graded school district, and to cause notices to be served upon the parties so appointed; and it shall be the duty of said registrar to give notice that the registration book will be open, and to register thereon all qualified voters in said district at his residence or place of business at any time from the date of his appointment until the day preceding said election (Sundays excepted): *Provided*, they apply for registration. And it shall be the duty of the registrar and the two judges to hold said election and to ascertain said result, and announce the same on the day succeeding said election. Said election shall be held at such place in said district as the board of trustees may designate. Whenever any vacancy occurs in said board of trustees, otherwise than by the expiration of the term of office, such vacancy shall be filled by the board of trustees.

Appointment of registrar and judges.

Registration.

Polling place.

Vacancies.

Tax collector.

Bond.

Sec. 4. The board of trustees shall appoint a tax collector for said district, who shall give bond in a sum to be fixed by the board, and who shall collect the taxes levied for school purposes in said district, as hereinafter provided, and pay over the same to the treasurer of said board of trustees.

Special tax to be levied.

Rate.

Sec. 5. The Board of Commissioners of Burke County shall annually levy on said district the special tax heretofore voted by the citizens of the same, to an amount not exceeding thirty cents on the one hundred dollars' worth of property and ninety cents on the poll. The amount of taxes to be levied each year, not to exceed the amount aforesaid, shall be fixed by the board of trustees of said graded school district, and certified to the chairman of the Board of Commissioners of Burke County.

Powers and duties of trustees.

Sec. 6. That a graded school shall be established in said district, and shall be under the exclusive control and management of the trustees hereinbefore named and their successors in office, and said trustees shall select a location for a graded school building or buildings, in which said school shall be conducted, and shall have the power to lease or purchase a site for the same and to erect a building thereon suitable for the needs of said school; and for this purpose they are hereby authorized to borrow,

May borrow money.

through the County Board of Education of Burke County, a sum not to exceed two thousand dollars, upon the terms set forth in sections four thousand and fifty-three, four thousand and fifty-four, four thousand and fifty-five, and four thousand and fifty-six of the Revisal of one thousand nine hundred and five. Said board shall elect and employ teachers for said school, reserving the right of removal for immorality or unbecoming conduct or incompetency, and shall have the power to choose a superintendent, and to fix the compensation for said superintendent and teachers.

Trustees incorporated.

Sec. 7. That the trustees hereinbefore named and their successors, chosen as hereinbefore mentioned, shall be a body corporate, under the name and style of Glen Alpine Graded School, and as such shall be capable of exercising the authority hereinbefore given, of suing and being sued, of purchasing, leasing and holding real estate for school purposes, and of selling and conveying the same.

Report of trustees.

Sec. 8. The trustees of said school shall report annually, on the first day of July in each year, to the County Board of Education of Burke County the school population of said district, the money expended under their direction, and the work done during the previous school year.

Apportionment from general school fund.

Sec. 9. That the moneys which shall from time to time be apportioned under the general laws of the State to the said school district above described shall be turned over by the Treasurer of Burke County to the treasurer of the Glen Alpine Graded School, to be expended for the benefit of said school.

Sec. 10. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1907.

CHAPTER 94.

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF HIGH POINT TO APPROPRIATE ANNUALLY $1,500 FOR THE MAINTENANCE OF THE CARNEGIE PUBLIC LIBRARY, AND FOR PROVIDING A SUITABLE SITE THEREFOR.

The General Assembly of North Carolina do enact:

Election to be held.

Section 1. That the Board of Aldermen of the City of High Point be and are hereby authorized, empowered and directed to submit to a vote of the qualified voters of the city of High Point, at such time or times as they may decide—and said election shall be held in the same manner and under the same rules as are pre-

Question to be submitted.

scribed for election of mayor and aldermen—the question: Shall the city of High Point, North Carolina, appropriate annually the sum of fifteen hundred dollars to maintain a public library, the donation of Mr. Andrew Carnegie, and provide a suitable site therefor in the city of High Point?

Form of ballots.

Sec. 2. That at said election those in favor of accepting said proposition and making said annual appropriation shall vote a ticket which has written or printed upon it "For Carnegie Library Appropriation and Providing a Site Therefor." All qualified voters who are opposed to the appropriation and the provision of said site shall vote "Against Carnegie Library and Providing a Site Therefor."

Appropriation if voted for.

Sec. 3. In the event that a majority of the qualified electors of the city of High Point shall vote for the appropriation for the Carnegie Library at said election, and the result shall be declared and recorded on the minutes of the board of aldermen, the board of aldermen shall appropriate for the maintenance of said library the sum of fifteen hundred dollars per annum, and shall donate a suitable site on which to erect the said library; and they shall

Special library tax.

levy annually, as they now or hereafter need each year, a special library tax of not exceeding four cents on the hundred dollars' worth of property and ten cents on each poll; the subject of taxation and the levy of taxes is to be the same on which the said Board of Aldermen of the City of High Point now or may hereafter be authorized to levy taxes for annual city purposes. The taxes so levied shall be collected as other taxes are paid, and the same shall be a special fund for the maintenance of the said library and for the provision of the said site, as aforesaid.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 19th day of February, A. D. 1907.

CHAPTER 95.

AN ACT TO ABOLISH THE OFFICE OF BOARD OF PUBLIC WORKS FOR THE TOWN OF TARBORO.

Preamble.

Whereas, by sections two and three, chapter two hundred and five, Private Laws of one thousand eight hundred and ninety-nine, and chapter two hundred and four, Private Laws of one thousand eight hundred and ninety-nine, the Board of Commissioners of the Town of Tarboro, Edgecombe County, North Carolina, were authorized and empowered to create in and for said town an office known and styled as the Board of Public Works of the Town of Tarboro, and were directed to fill said office by elec-

tion or appointment from among the citizenship of said town, whose number was fixed at seven (afterwards reduced to three, see Private Laws one thousand nine hundred and three, chapter four hundred and seven), and whose powers and duties and functions of office, as defined in section three of said act, were, among other things, to sell certain bonds of the town and use the moneys derived from the sale thereof in establishing and maintaining a system of water-works and sewerage in and for said town and establishing a light plant and operating same to furnish light to said town and its citizens; and whereas, said Board of Public Works of the Town of Tarboro, as created under these acts of Assembly as aforesaid and those directly amendatory thereof, have conjointly and by and with the approval of the Board of Commissioners of the Town of Tarboro, done all acts and things whatsoever devolving upon them and required by law, in establishing, providing and maintaining a system of water-works and sewerage and lighting plant for said town: and whereas, in the judgment of the Board of Commissioners of the Town of Tarboro, the objects and purposes for which said board of public works as aforesaid was created have been accomplished, and the use for same is no longer necessary or needful for the proper management and control of the affairs of the municipality: now therefore,

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

Section 1. That so much of sections two and three, chapter two hundred and five of the Private Laws of one thousand eight hundred and ninety-nine, and chapter two hundred and four, Private Laws one thousand eight hundred and ninety-nine, and all laws and clauses of laws amendatory of said acts or sections of said acts of Assembly, as authorized and empowered the Board of Commissioners of the Town of Tarboro to create the office of Board of Public Works of the Town of Tarboro, and define its duties and powers, be and the same are hereby repealed, and from and after the ratification of this act all duties, powers, obligations and functions of office of said board of public works and the members thereof shall devolve upon and vest absolutely in the Board of Commissioners of the Town of Tarboro, and its successors in office: *Provided*, that the abolishment of said office of Board of Public Works of the Town of Tarboro shall in no wise operate or be construed as to impair any contract or obligation of the town of Tarboro made, entered into or assumed during the life or existence of said board of public works as aforesaid for, in the name of, or on behalf of said town of Tarboro: *Provided further*, that the title to all property, real or personal, property rights, franchises, easements and other things of value heretofore acquired, by purchase or otherwise, by and in the name of the Board of Public Works of the Town of Tarboro, for said municipality,

Act authorizing board repealed.

Powers and duties devolved on town commissioners.

Proviso: contracts not impaired.

Proviso: title to property to vest in commissioners of town.

shall, on and after the ratification of this act, vest absolutely in the Board of Commissioners of the Town of Tarboro and its successors in office; the said Board of Commissioners of the Town of Tarboro, as aforesaid, upon authority by this act conferred, hereby expressly ratifying and confirming all acts and things done or engaged to be done by it, the said board of public works as aforesaid, within the scope and authority of law applicable thereto.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 96.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CONETOE, IN THE COUNTY OF EDGECOMBE.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and fifty-four, Private Laws of one thousand eight hundred and eighty-seven, be and the same is hereby amended by adding at the end of section four thereof the following: "And the commissioners of said town shall annually, before the first day of each July, levy on all retailers of spirituous, vinous or malt liquors a tax not less than one hundred dollars and not exceeding five hundred dollars per annum, payable semi-annually in advance on the first day of January and July; and no license shall be issued for a less time than six months, and said license shall expire the thirtieth day of June and the thirty-first day of December, respectively, after the date of issue."

Tax on liquor dealers.

Sec. 2. That all levies and collections of taxes on retailers of spirituous, vinous and malt liquors heretofore made by the Board of Commissioners of the Town of Conetoe are hereby fully approved, ratified and confirmed.

Taxes heretofore levied confirmed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 97.

AN ACT TO AUTHORIZE THE TOWN OF SELMA TO ISSUE BONDS FOR ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Bond issue authorized. Amount.

Section 1. That the town of Selma is hereby authorized and empowered to issue in its name fifteen thousand dollars ($15,000) of interest-bearing coupon bonds for the purpose and in the manner hereinafter set out, if a majority of the qualified voters of said town shall vote in favor of issuing such bonds at an election to be held as hereinafter provided.

Election on bonds.

Sec. 2. That the said bonds shall not be issued nor the taxes herein authorized levied until authorized by a majority of the qualified voters of the town of Selma at a public election to be held in said town any time within twelve months after the ratification of this act: *Provided*, that said Board of Town Commissioners of the Town of Selma shall advertise such election for thirty days prior to the election, in some newspaper published in said town or in the county of Johnston, and said election shall be held under the same rules and regulations as elections for mayor and town commissioners in said town are conducted, and the returns and result of said election shall be made and certified by the election officers to the board of commissioners within two days after said election, and the result shall be canvassed by said board and declared. That at the said election those who are in favor of issuing bonds and levying the taxes herein provided for shall vote ballots with the words "For Bonds," and those opposed to issuing said bonds and levying the taxes herein provided for shall vote ballots with the words "Against Bonds," written or printed thereon. That if at said election the majority of the qualified voters shall cast their ballots "For Bonds," then the board of commissioners of said town shall proceed at once to issue said bonds as above provided, and the same shall be signed by the mayor and clerk to the board of commissioners, and delivered to the board of internal improvements hereinafter provided for, but the entire amount issued and delivered shall not exceed in the aggregate the sum of fifteen thousand dollars. Said bonds shall have interest coupons thereto attached and duly numbered, and the interest thereon shall in no case exceed six per centum per annum.

Proviso: advertisement of election.

Law governing election.

Form of ballots.

How bonds attested.

Board of internal improvements.

Interest.

Bonds to be sold at not less than par.

Sec. 3. Said bonds shall be numbered consecutively, and the said board of internal improvements shall at once proceed to advertise and sell said bonds at public or private sale at not less than par, and none of said bonds shall be delivered to the purchaser until the purchase-money thereof shall be received by said board of internal improvements; and all moneys received from the sale of said bonds, or any of them, shall be immediately turned

Treasurer of board of internal improvements.
Bond of treasurer.

over to the treasurer, who may be designated or elected by said board of internal improvements, and the sureties upon the official bond of said treasurer shall be liable to account for and pay over the same as hereinafter provided; and it shall be the duty of said board of internal improvements to provide that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, or any other money received by him in accordance with this act; said board of internal improvements shall also fix the compensation of said treasurer of said funds.

When bonds payable.

Sec. 4. That the principal of the bonds herein provided for shall be payable at a time to be fixed by the board of commissioners, not to be less than twenty nor more than thirty years from the date thereof: *Provided*, said board may divide said bonds into classes and denominations as they determine best, and have them mature at different dates between the times aforesaid. That the board of internal improvements shall keep a record of said bonds, showing the numbers and denominations thereof, and to whom sold, the dates of issuing thereof, and when the same shall mature, and the interest-bearing rate thereof, the amount received from the sale thereof, the date of paying the proceeds thereof into the treasury, and such other data in relation to the same as may be proper; and they shall furnish such information in respect to such record to the board of commissioners, if required.

Proviso: bonds may be classified.

Record of bonds.

Special tax for interest.

Sec. 5. That to provide for the prompt and regular payment of the interest on said bonds, it shall be the duty of the board of commissioners of said town, each and every year, at the time other taxes are levied, to compute and levy a special tax upon all the taxable polls and property and other subjects taxed by said town to pay said interest, as the same may become due and payable. The board of commissioners shall cause said special tax to be levied, collected and accounted for as other taxes are, and they shall cause the same to be set aside for the special purpose of paying interest on said bonds, and it shall be used for no other purpose: *Provided*, that said special tax hereinabove provided for shall not exceed thirty-three and one-third (33⅓) cents on the one hundred dollars valuation of property and one dollar on the poll, always observing the equation of taxation between property and the polls fixed by law. And the money paid into the treasury received from the taxes levied under this act shall be appropriated for the purposes herein indicated. But if the said taxes levied and collected in any year, as provided in this section, shall exceed the amount necessary to pay the accrued interest on said bonds, the amount in excess may be applied to the credit of the interest fund for the next succeeding year, in the discretion of the board of commissioners, and if so, the said board of commissioners at the time of levying said special tax for the next succeeding year

Proviso: tax rate.

Taxes appropriated.

Surplus.

shall take into consideration said excess and shall compute and levy said special tax accordingly. That the tax collector shall be required to give such additional bond as the commissioners shall require for the faithful collection and payment of said taxes, and they shall fix his compensation therefor. That the bonds authorized to be issued by this act, and their coupons, shall not be subject to taxation by said town until after they shall be due, and payment made or tendered, and if the holder of any of said bonds shall fail to present the same for payment at the time or times and at the place or places named therein, he shall not be entitled to any interest thereon for the time they had been outstanding after maturity.

Tax collector to give additional bond.

Bonds exempt from municipal taxation.

Sec. 6. That M. C. Winston, N. E. Edgerton, G. D. Vick, L. H. Allred and C. W. Richardson be and they are hereby appointed and incorporated as a board to be known as the "Board of Internal Improvements of the Town of Selma," and they shall hold their office until the second regular election of mayor and town commissioners for said town after the ratification of this act, and every two years after said date there shall be elected, in the same manner and at the same time that the mayor and town commissioners are elected, five qualified voters of said town, to be known as the board of internal improvements, and in case of a vacancy on said board at any time the remaining members shall elect some discreet person to fill the vacancy until the next regular town election. The members of said board of internal improvements shall receive, each, three dollars per month for their services. It shall be the duty of said board of internal improvements to receive and sell the bonds hereinabove provided for, at not less than par, and use the proceeds thereof in building, furnishing, operating, maintaining and extending a system of electric lights for said town, and making such other internal improvements as they may in their best judgment deem proper, and they are appointed and incorporated for the purpose of having the exclusive management of said work of selling said bonds, and establishing, improving, maintaining and extending said electric-light system, and such other internal improvements as they may make with any part of the proceeds of said bonds, and no part of said money derived from the sale of said bonds shall be paid out by the treasurer of said funds except upon the warrant of said board of internal improvements. They shall fix prices and provide for the collection of the rentals from consumers of the electric lights, and have entire supervision of the establishment, maintenance, improvement, management and extension of said system of electric lights, and other improvements undertaken by them. They shall faithfully see that the system of electric lights is orderly and properly conducted, and shall promptly furnish, on request, to the citizens who may apply for service of said system, and shall

Board of internal improvements incorporated.

Corporate name.

Term of office.

Election of successors.

Vacancies.

Pay of members.

Duty of board.

Rentals for lights.

in all cases provide for the proper service of said system to the consumers thereof, and shall promptly attend to all complaints as to defective service, and shall cause the same to be remedied, and otherwise control and manage said system for the best interest of said town and the citizens thereof: *Provided*, that nothing in this act shall prohibit the said board of internal improvements from furnishing light to non-resident persons or firms, or distant towns or enterprises, on such terms as said board may require.

Proviso: light to non-residents.

Custodian of rentals.

Said board may appoint one of their number, or some other discreet person, to act as custodian of the rentals collected from the consumers of electric lights, or the same may be paid into the treasury as other funds hereinabove provided, but the same shall be kept as a separate fund, to be paid out only on the warrant of said board of internal improvements, for the maintenance of said system and the payment of legitimate expenses.

Records of board.

Sec. 7. Said board of internal improvements shall keep a full and complete record of all their proceedings, and an exhibit of their receipts and disbursements of the funds provided for under this act, or issuing out of said system of electric lights, which records shall be open at all times to the inspection of the town commissioners or any of the citizens of said town.

Board to make contracts.

The board shall contract for the material for the plants and other improvements, and the construction of the same, and cause the same to be erected under the immediate supervision of said board, but in any or all events the town shall own the plants and property contracted for, out of the funds provided in this act.

Condemnation of property.

Sec. 8. That in the erection, operation and maintenance of said system of electric lights, and extending the improvements undertaken by said board of internal improvements, the said board may take, use, occupy and condemn such private property in or out of said town as may become necessary in the furtherance of their legitimate duties; and when the owner and said board cannot agree upon the amount of damages to be paid for property condemned the controversy shall be determined as provided by the general laws of the State in condemnation proceedings, except the town may take and use at once such private property without waiting for the determination of the proceedings, but the town's title to such property, or its right to permanently occupy the same, shall not become absolute until the final judgment of the court is complied with.

Special tax for sinking fund.

Sec. 9. For the purpose of creating a sinking fund with which to liquidate the bonds issued under this act, it shall be the duty of the board of town commissioners, at and after the expiration of twenty (20) years from the date of said bonds, or five years earlier, should the bonds mature in twenty years from the date of their issue, to annually levy and collect a special tax in addition to that mentioned and authorized in section five of this act; and

the tax provided for in this section may equal in amount one-tenth of the amount of bonds issued under this act, and the tax provided for in this section shall be levied and collected and paid over as provided for the levying, collection and payment of the special tax provided in section five of this act. And whenever the amount of tax collected under this section, together with the interest accumulated from the investment thereof as hereinafter provided for, and other moneys in the sinking fund, shall be sufficient to pay off the principal of all outstanding bonds, then said commissioners shall cease to levy said taxes for the sinking fund.

Investment of sinking fund.

Sec. 10. That it shall be the duty of the board of internal improvements to invest all moneys arising from the special tax collected under section nine of this act, as well as any other funds set apart from the profits of running said electric-light system, in the purchase of any of said bonds at a price deemed advantageous to said town by said board of internal improvements, if the holders of any of said bonds shall consent to sell and surrender the same before maturity; but in case said bonds cannot be purchased as herein provided, said board of internal improvements may lend said sinking fund or any part thereof in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security for the payment thereof, and for the payment of interest thereon, mortgages or deeds in trust, in the name of said board, on sufficient real estate, or bonds issued under this act may be taken as collateral security for such loans. The notes or evidences of debt given for any loan under this section shall bear interest, payable annually, at a rate not less than six per centum per annum; and in case said board of internal improvements shall not be able to lend any or all of said money, as directed above, they may, and it shall be their duty, to cause such part as they are unable to invest or lend to be deposited in some bank of undoubted solvency at the best obtainable rate of interest, and any and all interest arising from the above investment, or as directed above, shall be reinvested in the manner above provided.

Orders for payment of money.

Sec. 11. That none of the moneys paid into the town treasury, or unto the person or persons designated by the board of internal improvements to receive the same, shall be paid out, except upon the warrant of the board of internal improvements, and the said treasurer or custodian of light funds shall make his accounting to said board of internal improvements whenever required by them. That nothing in this act shall conflict with the duties of the Street Commissioner of the Town of Selma, nor any other person or persons having to do with the general improvements of the public property of the town not inconsistent with the provisions of this act.

Street commissioner.

Sec. 12. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 98.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF EAST LUMBERTON, IN THE COUNTY OF ROBESON, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter one hundred and thirty-nine of the Private Laws of North Carolina, session one thousand nine hundred and one, be stricken out and the following inserted in lieu thereof:

Corporate limits.

Sec. 2. That the corporate limits of the said town of East Lumberton shall include the lands of the Lumberton Cotton Mills, in Lumberton Township, and of the Dresden Cotton Mills (Incorporated), in Lumberton Township, Robeson County, North Carolina, bounded and described as follows: First Tract—Adjoining the lands of J. D. Biggs, I. Jenkins, and others. Beginning at a stake by a pine on the eastern bank of Lumber River, said Lewis and John Henry Lewis' corner in the division of the Ed. Lewis estate, and running with said Robert Lewis and John Lewis' (now Jenkins') line, north fifty-six degrees fifty minutes east seventy-four chains and eighty links (74.80) to a stake by a pine stump, sassafras stump, on the west edge of the Lumberton and Whiteville road, about opposite the gate on the yard of the County Home for the Aged and Infirm; thence down said road south twenty-three degrees east two chains and fifty-three links (2.53) to the corner of the Carlyle Cemetery; thence as the line of that lot due west one chain and fifty-eight links (1.58) to a stake; thence due south as the other line and beyond it three chains and sixteen links (3.16) to a stake by three black-gums at the run of a branch; thence east two chains and thirty-five links (2.35) to a stake by a pine in the edge of said road; thence down the road south eighteen degrees nine chains and twenty links (9.20) to a stake by an oak, pine stump and blown-down pine, Hester's (now Biggs') corner; thence as that line south fifty-six degrees fifty minutes west sixty-six chains and fifty links (66.50) to a stake by a large pine and cypress on the eastern bank of said river, Hester's (now Biggs') and Robert Lewis' corner; thence up the river north sixty degrees west three chains and ten links (3.10) north fifty-

seven degrees west six chains (6) north forty-five degrees west three chains and fifty links (3.50) north thirty-two degrees west two chains and ninety-two links (2.92) to the beginning, containing ninety-nine acres. Magnetic bearings of September twenty-seventh, one thousand nine hundred. Second Tract—Beginning at a stake, large cypress and pine stump at the north edge of Lumber River, the corner of the Lumberton Cotton Mills land, and running with the line of that land north forty-six and a half degrees east forty-three chains to the line of the Carolina Central Railroad; thence with the line of the said railroad south sixty-six degrees east twenty-seven chains and three links to J. D. Taylor's line; thence with said Taylor's line south forty-eight and three-fourths degrees west forty-seven chains and fifty links to the edge of Lumber River; thence up the said river to the beginning, containing one hundred and nineteen and one-half (119½) acres, more or less. Third Tract—Beginning at an iron pipe in the edge of the Whiteville road, near a small cotton-house or barn, and about twenty yards from the one-mile post on said road, and running thence south fifty-six and three-fourths degrees west forty-seven chains and forty links to an iron pipe in the new public road leading from Lumberton, through Belvidere, to the new bridge on Lumber River, through the old fair-ground, which said road is southern extension of Chippewa Street; thence down said road south three degrees twenty minutes west eight chains and thirty-five links to an iron pipe, a corner in the line between the lands formerly belonging to Irvin Jenkins and the Lumberton Cotton Mills land; thence south fifty-one and a half degrees east two chains and forty-six links to a sweet-gum, a corner in the old fair-ground; thence south five and a half degrees east seven chains and sixty-three links to an iron pipe, a corner by a water-oak, sweet-gum and maple; thence north fifty-six and three-fourths degrees east sixty-three chains to an iron pipe, a corner on the back line of the Lewis graveyard line; thence north sixty-six and a half degrees west three chains and seventy-five links to an iron pipe, a corner in a small drain, it being also the corner of the L. R. Jenkins' six-acre tract; thence north fifty-six and three-fourths degrees east ninety-four one-hundredths chain to an iron pipe, a corner on said drain or ditch; thence south eighty-four and a half degrees west along the line of the said L. R. Jenkins' six-acre tract, fifteen chains to an iron pipe on a ditch bank near the north corner of a small tenant house; thence up said ditch north forty-seven degrees west along said L. R. Jenkins' six-acre tract fifty-six one hundredths chain to a bend in said ditch; thence north nine degrees west one chain and thirty-eight links along said ditch to another bend in said ditch; thence north thirty-nine and three-fourths degrees east eight chains and twenty-seven links to an iron pipe, a corner in the Whiteville road at the head of said

ditch; thence with the said road north sixty-eight and a half degrees west two chains and fourteen links to the beginning. Reserving, saving and excepting from the operation of the above boundaries the following tract of land: Beginning at an iron pipe, a corner in the southern line of the right-of-way of the Carolina Central Railroad where the said line of said right-of-way intersects the line of a tract of land heretofore belonging to Irvin Jenkins, and being same above described; thence along the line of the said Jenkins' tract, being tract above described, south fifty-six and three-fourths degrees west to an iron pipe, a corner in the new public road, which is the southern extension of Chippewa Street; thence in an easterly direction parallel with the main line track of the Carolina Central Railroad to a large ditch; thence up said ditch in a northerly direction to the south line of the right-of-way of the Carolina Central Railroad; thence along the said right-of-way to the beginning.

Sec. 3. That said chapter one hundred and thirty-nine, Private Laws of one thousand nine hundred and one, be further amended by striking out section four, and inserting in lieu thereof the following:

Town elections.

"Sec. 4. That the mayor and commissioners of the said town shall be elected on the first Monday in May, one thousand nine hundred and seven, and on the said day in each and every year thereafter, in the same manner and under the same rules and regulations as are now prescribed by the laws of North Carolina for municipal elections; and the said mayor and commissioners shall, at their first meeting after their qualification, elect one or more constables, a town clerk and treasurer, and such other officers of said town as may be necessary, who shall hold their offices for the term of one year and until their successors are elected and qualified; that, until their successors have been duly elected and qualified as prescribed herein, the following named persons shall fill said offices, to-wit: Mayor, Charles U. Spivey; commissioners, M. C. Whitley, John Potter and A. W. Shaw. And said persons shall elect a constable, town clerk and treasurer, to hold their offices until the next general election, and until their successors are elected and qualified as herein provided."

First officers named.

Constable, town clerk and treasurer.

Amended charter re-enacted.

Sec. 4. That said chapter one hundred and thirty-nine, Private Laws of one thousand nine hundred and one, as herein amended be re-enacted and declared in full force and effect.

Sec. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 99.

AN ACT AUTHORIZING THE TRUSTEES OF THE GRADED SCHOOL IN KERNERSVILLE TO APPLY PART OF SCHOOL FUND TO THE ERECTION OF THE SCHOOL BUILDING.

Whereas, chapter eleven, Private Acts one thousand nine hundred and five, constituting the town of Kernersville a special school district, and prescribing the machinery by which an election might be held to determine the question as to whether four thousand dollars of bonds should be issued for the erection of a graded school building; and whereas, an election was held at the regular municipal election in May, one thousand nine hundred and five, as provided in chapter eleven, Private Acts one thousand nine hundred and five, and a majority of the votes were cast in favor of the issuing of said bonds; and whereas, in accordance with the provisions of said act, the four thousand dollars' worth of bonds were duly issued and sold at par; and whereas, chapter eleven, section eight, Private Acts one thousand nine hundred and five, vested in the board of trustees all property, both real and personal, of the public school for whites in said district to be used, in the discretion of the said trustees, in the erection of a new building, and that there was situate on said public school lot a school building worth fifteen hundred dollars which the board of trustees intended to sell and apply the proceeds towards the erection of the new building, now under way of building, but on the ..... day of April, one thousand nine hundred and six said school building was burned, and that there was no insurance to cover loss on said building; and whereas, the board of trustees, under the provisions of said act and from the proceeds from the sale of said bonds, have under way of construction a large and commodious brick building in the town of Kernersville, but on account of the unavoidable fire and the purchase of an additional lot, the board of trustees have not enough funds to complete said building: therefore, Preamble. Preamble. Preamble. Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Trustees of the Graded School of the Town of Kernersville are authorized and empowered to use and apply any moneys now in its possession or that may hereafter come into its possession from the special tax levied and collected in said school district for the maintenance of said school, or from the tax levied and collected from the State of North Carolina, Forsyth County, for this school, towards the erection and completion and furnishing of said school building now being built in said school district in the town of Kernersville, and until said building is completed, after first keeping open and running a school for at least six months in each school year. Appropriation for erection, completion and furnishing school building.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 100.

AN ACT TO AMEND THE CHARTER OF THE FORSYTH BANK AND TRUST COMPANY, OF KERNERSVILLE, N. C.

The General Assembly of North Carolina do enact:

Company may act in fiduciary capacities.

Section 1. That the charter of the Forsyth Bank and Trust Company, of Kernersville, N. C., chartered under the Public Laws of one thousand nine hundred and three, chapter two hundred and seventy-five, be amended by adding at the end of section three of said charter the following: "The said company shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers, of whatever nature or description, as may be conferred upon or entrusted or committed to it by any person or persons or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed upon. The Superior Court of Forsyth County or any other county wherein said company shall have been appointed guardian, executor, administrator, receiver or trustee or depository, shall have power to make orders respecting such trusts, and to require the said company to render all accounts which said county might lawfully make or require if such trustees were a natural person. In accepting any of the trusts or powers hereunder, the said corporation may qualify by its president, vice-president or cashier. It shall have power to carry on, conduct and operate a saving bank business in all its branches; may receive deposits in large or small sums, and may pay interest thereon at fixed rates as may be agreed on between the corporation and its depositors, and the board of directors are hereby authorized to make all necessary rules and regulations for conducting and carrying into effect the different features of this branch of the corporation."

Savings bank.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 101.

AN ACT TO INCORPORATE WHETSTONE LODGE, NO. 515, A. F. AND A. M.

Preamble.

Whereas, for the purposes hereinafter set forth, the members of Whetstone Lodge, Number five hundred and fifteen, A. F. and A. M., a subordinate lodge of the Masonic Fraternity, working under the laws and regulations of the Grand Lodge of North Carolina, at Bessemer City, in Gaston County, N. C., desire that said Whetstone Lodge, Number five hundred and fifteen, A. F. and A. M., be created a corporation of the State of North Carolina; and whereas, it is deemed impracticable to create said corporation for the purposes desired under the general corporation laws of this State: now, therefore,

The General Assembly of North Carolina do enact:

Lodge incorporated.

Section 1. That the members, who are at present, or in future may be, of Whetstone Lodge, Number five hundred and fifteen, A. F. and A. M., of Bessemer City, Gaston County, N. C., be and they are hereby constituted, created and declared a body corporate, under the corporate name of Whetstone Lodge, Number five hundred and fifteen, A. F. and A. M., and by such name shall have perpetual succession and a common seal.

Corporate name.

Corporation may purchase and hold property.

Sec. 2. (*a*) That said corporation may purchase, own, hold, lease or otherwise acquire property, both real and personal, in the same manner as private corporations are now allowed to do by law. (*b*) Said corporation may lease or rent to other parties any or all of its property, upon such terms as a majority of the members shall approve: *Provided*, that no lease of such property shall be made for a period exceeding five years.

May lease or rent property,

May mortgage or sell property.

Sec. 3. That said corporation may mortgage, sell, alien and convey any or all of its property, only by the authority of three-fourths of all the then members of said corporation, together with the written approval of the Grand Master of the Grand Lodge of North Carolina attested by the Grand Secretary of said Grand Lodge and with the seal of said Grand Lodge.

No capital stock.

Sec. 4. That said corporation shall have no capital stock.

Power to borrow money.

Sec. 5. That said corporation may borrow money and may pledge its property, by way of mortgage or other form of pledge, for the payment of such loans, and upon such terms and conditions as it may agree upon.

Corporate officers.

Sec. 6. For the purposes of the organization and corporate acts of said corporation, the officers thereof shall be as follows, viz.: The Master of said Whetstone Lodge, concurrent with his tenure of such mastership, shall be president of said corporation. The past-masters of said Whetstone Lodge shall be vice-presidents of said corporation in the order in which they may be and shall have been masters of said lodge. The secretary of said Whetstone Lodge,

concurrent with his tenure of such secretaryship, shall be secretary of said corporation. The treasurer of said Whetstone Lodge, concurrent with his tenure of such office, shall be treasurer of said corporation.

Management of corporation.

Sec. 7. Said corporation shall be managed by the members thereof, by a majority vote on all questions relating to its corporate acts, except as to those requiring a three-fourths vote as provided in section three above.

By-laws.

Sec. 8. Said corporation may enact such by-laws (not inconsistent herewith nor with the laws of North Carolina nor those of the United States) as it may deem best, and the same shall be effective until the then first succeeding session of the Grand Lodge, at which session said by-laws shall be approved by the said Grand Lodge, or if disapproved by it, then such by-laws or so much thereof as shall not be approved, shall become inoperative and void.

Exemption from taxation.

Sec. 9. So long as said corporation shall be wholly a charitable institution it shall be exempt from taxation.

Dissolution of corporation.

Sec. 10. In case of dissolution of said corporation, or if for any cause this charter shall be forfeited, or otherwise become inoperative and void, then and in such case, all estate, title and interest, legal and equitable, of said corporation, in and to any property, real or personal, shall become vested in the Grand Lodge of North Carolina, and may be used, converted and disbursed by it for charitable purposes only.

Sec. 11. That this act shall be in effect from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 102.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF JACKSONVILLE TO ISSUE BONDS FOR THE PURPOSE OF PROTECTING THE TOWN AGAINST FIRES.

Preamble.

Whereas, the town of Jacksonville has suffered greatly on account of the want of fire protection; and whereas, the town considers it necessary to make provision for fire protection; and whereas, the said expense is a necessary expense; and whereas, the said town of Jacksonville desires to issue bonds in the sum of two thousand dollars to enable it to secure fire protection: therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That for the purpose of enabling the town of Jacksonville to provide itself with suitable fire engines and equipments

the Commissioners of the Town of Jacksonville are authorized and empowered to issue bonds to an amount not exceeding the aggregate sum of two thousand dollars, of such denomination and in such proportions as the commissioners may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent. per annum, with interest coupons attached, payable half yearly at such times and at such place or places as may be deemed advisable by said commissioners, said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times not exceeding five years from the date thereof and at such place or places as the commissioners may determine; each of said bonds to state on its face that said bond was issued to secure the citizens of the town of Jacksonville against fire: *Provided*, that, if there should be any surplus of said fund unexpended for said purpose, said surplus shall be paid into the town treasury and be used for any town purposes.

Amount.

Interest.

Proviso: application of surplus.

Sec. 2. That none of the bonds provided for in the above section shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than their par value.

Bonds not to be sold below par.

Sec. 3. That the bonds authorized to be issued by section one hereof, and their coupons, shall not be subject to taxation by the said town until after they become due and tender of payment shall have been made by the town, and the coupons shall be receivable in the payment of the taxes or other town dues for any fiscal year in which said coupons become due, or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Exemption from taxation.

Coupons receivable for taxes.

Sec. 4. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity of the bonds herein authorized, the commissioners of the said town shall annually and at the time of levying other town taxes levy and lay a particular tax on all persons and subjects of taxation on which the said commissioners now are or may hereafter be authorized to lay and levy taxes for any purposes whatever, said particular tax to be not less than twenty nor more than thirty cents on the one hundred dollars assessed valuation on property, and not less than twenty nor more than thirty cents on each poll. The taxes provided for in this section shall be collected in the manner and at the time other town taxes are collected, and shall be accounted for and kept separate from other town taxes, and shall be applied exclusively to the purposes for which they are levied and collected. So much of said tax as may be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at maturity of the principal of the said bonds; and

Special tax for interest and sinking fund.

Rate.

Investment of sinking fund.

to insure the due investment of the amounts collected from year to year in excess of that required to pay the said interest, the commissioners shall appoint some suitable person, to be styled "Commissioner of the Sinking Fund of the Town of Jacksonville," who shall hold his office for five years, and whose duty it shall be, under such rules and regulations as said commissioners shall from time to time prescribe, to make investment of so much of the taxes collected as aforesaid to the payment of the principal of said bonds, and to do and perform all such other services, in connection with said bonds, as said commissioners may prescribe; and such commissioner shall give bond and receive such compensation for his services as said commissioners may determine.

Commissioner of sinking fund. Term of office. Duty.

Bond and compensation.

Sec. 5. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 103.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ENFIELD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Selection of treasurer and street commissioner.

Section 1. That section twenty-seven of chapter one hundred and forty-six of the Private Laws of one thousand eight hundred and ninety-seven be amended by striking out said section and inserting in lieu thereof the following, to-wit: "That in the selection of a treasurer and street commissioner the board of commissioners may elect one of their number, or some qualified voter of said town, to fill each of the offices."

Taxing power.

Sec. 2. That section thirty-one thereof be stricken out and the following inserted in lieu thereof, to-wit: "That in order to raise the funds for the expenses incident to the proper government of the town, the commissioners may only levy and collect the following taxes, namely:

Property tax.

(1) On all real and personal property within the corporate limits, including money on hand, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding thirty cents on every one hundred dollars value.

Poll tax.

(2) On all taxable polls a tax not exceeding ninety cents a poll who may be resident in the town on the first day of June in each year.

(3) Upon all itinerant merchants or peddlers offering to vend in the town, a license tax not exceeding one hundred dollars per year; not more than one person shall peddle under a single license. Peddlers.

(4) Upon every billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table kept for hire, a tax not exceeding one hundred and fifty dollars per year. And all persons desiring to keep a billiard table, bowling alley or alley of like kind shall first apply to the board of commissioners for a license therefor, at a time and place that may be fixed by the ordinances of said town for such application to be made: *Provided*, that said board of commissioners may in their discretion refuse to grant said license. Tables.

(5) Upon every license granted by the said board of commissioners to retail spirituous, vinous or malt liquors within the corporate limits of said town, a tax not less than one thousand dollars nor more than three thousand dollars per annum, and in no case can they remit said tax or any part thereof. Any person desiring to engage in the business of selling spirituous, vinous or malt liquors shall first apply to the board of commissioners of said town for a license so to do. Said application shall be accompanied by an affidavit of six freeholders of said town stating that the applicant is a proper and suitable person, and the place he desires to carry on said business in is a proper and suitable place for said business to be conducted in. And said board of commissioners, after an investigation of said petition, may grant or refuse to grant said license, and it shall be purely within the discretion of said board of commissioners to say how many licenses they will issue in said town. And if they should desire not to grant license to but one person, then and in that event the license shall be not less than two thousand dollars nor more than three thousand dollars. Liquor license.

(6) Upon every company of circus riders or performers, of whatever name called, which exhibit within the town, a license tax not exceeding one hundred dollars for each exhibition. And upon every side show connected therewith a license tax not exceeding ten dollars. And for every parade given upon the public streets in connection with said shows, whether said exhibition be within the corporate limits of said town or just on the outside of said corporate limits, a tax for each parade not exceeding fifty dollars. Circus riders. Side show. Parades.

(7) Upon every person or company exhibiting in the town, or theatrical plays, sleight-of-hand performers, rope-walking, tumbling, or menageries, a tax not exceeding fifty dollars. Theatrical shows.

(8) Upon every exhibition for reward of artificial curiosities in the town, a tax not exceeding fifty dollars. Artificial curiosities.

(9) Upon every show or exhibition of any other kind, and each concert, for reward, in the town, a tax not to exceed ten dollars. Other shows and concerts.

Dogs.

(10) Upon every dog a tax not to exceed two dollars: *Provided, however*, that a discrimination may be made in the different sexes of dogs.

Photographer, merry-go-round, shooting galleries and street merchants.

(11) Upon each photographer, merry-go-round or shooting gallery, or huckster, or other person selling on the streets or sidewalks, a tax not exceeding fifty dollars per week.

Second-hand clothing.

(12) Upon every merchant or trader of whatever kind or character, selling or offering to sell any kind of second-hand clothing or cast-off apparel, a license tax not exceeding three hundred dollars per year."

Collection of license taxes.

Sec. 3. That section thirty-two of said act be and the same is hereby stricken out, and the following inserted in lieu thereof: "The license or privilege taxes shall be collected by the mayor of said town when fixed, without compensation; and if the same be not paid on demand, the same may be recovered by suit brought by the mayor for the use of the town. Or the articles upon which the tax is imposed, or any other property of the person liable for such tax, may be forthwith distrained, and sold to satisfy the same, after ten days' advertisement at three different places within the limits of the town.

Prohibition on mayor or commissioner contracting with town.

Sec. 4. That section forty-six of said act be and the same is hereby stricken out and repealed.

Sec. 5. That section fifty-four of said act be and the same is hereby stricken out, and the following inserted in lieu thereof:

Number of bar-rooms.

"That said commissioners shall have power to restrict the number of bar-rooms in said town to one: *Provided*, they shall in their judgment deem one bar-room a sufficient number to accommodate the general public: *Provided*, if they are so restricted, the license tax shall be not less than two thousand dollars nor more than three thousand dollars.

Prohibition on mayor or commissioner contracting with town.

Sec. 6. That section forty-six of said act be and the same is hereby stricken out and repealed.

Power to borrow money.

Sec. 7. That among the powers conferred upon the board of commissioners by the charter of said town and this amendment is, in case of emergency, they may borrow money to the amount of one thousand dollars without submitting the same to the vote of the people. If a greater amount than said one thousand dollars, it shall be borrowed as prescribed in section nineteen of said charter.

Sec. 8. That all laws and clauses of laws pertaining to the town of Enfield in conflict with this act be and they are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 104.

AN ACT TO AMEND CHAPTER 185 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1905, CHANGING THE NAME OF "LEAKSVILLE-SPRAY ACADEMY" TO "LEAKSVILLE-SPRAY INSTITUTE."

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and eighty-five of the Private Laws of North Carolina, session one thousand nine hundred and five, be and the same is hereby amended by striking out the words "Leaksville-Spray Academy," wherever they appear in said act, and inserting in lieu thereof the words "Leaksville-Spray Institute," thereby changing its name to "Leaksville-Spray Institute." Name changed.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 105.

AN ACT TO INCORPORATE THE ROXBORO REAL ESTATE AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That John C. Pass, George W. Thomas, William F. Long, William T. Pass and Nathan Lunsford, together with such other persons as they may associate with them, their successors and assigns, be and are hereby created a body politic and corporate, under the name of The Roxboro Real Estate and Trust Company; by which name they may sue and be sued, plead and defend; and shall have the right to adopt and use a common seal; to make such by-laws, rules and regulations as they may deem best for the corporation, not inconsistent with the laws of this State; and shall have continual succession for the term of thirty years, with all the rights, privileges, powers and franchises pertaining to a corporation. Corporators. Corporate name. Corporate powers.

Sec. 2. That the capital stock of the said corporation shall be five thousand dollars ($5,000), divided into one hundred shares of the par value of fifty dollars each; which said capital stock may be increased, at any time, or from time to time, by a vote of a majority of the stockholders, to any sum not to exceed fifty Capital stock.

Proviso: fees on increase.

thousand dollars: *Provided*, such fees for said increase shall be paid to the Secretary of State as is required by law in such cases.

When business to begin.

Sec. 3. When twenty-five hundred dollars is subscribed in full, the corporators above named, or any three of them, or their assigns, shall be deemed and held capable to organize; which they shall do by electing a board of directors to consist of not less than three nor more than fifteen persons, who shall serve for such period of time as shall be provided in the by-laws of the corporation, or until their successors are elected and qualified, and said directors so chosen shall proceed to elect a president, who shall serve for such a time as may be provided in the by-laws of the corporation, or until his successor is elected and qualified. The said board of directors shall, at such time and place as they deem best, elect a vice-president, a secretary and treasurer, and such other officers as they may deem best, to hold office for such terms as may be provided in the by-laws: *Provided further*, that the said board of directors may increase or diminish the number of officers at will. No person shall be elected a director, president or treasurer of said corporation unless he be a stockholder in same. The directors shall require of the treasurer, and such other officers as they may deem necessary, bonds with sufficient surety for the faithful performance of their duty. That the increase of capital stock provided for in this section may be either by individual subscription or by the application of the surplus earnings of the said corporation to that purpose; if said increase shall be from the surplus earnings of the said corporation, the directors shall have the power to declare stock dividend pro rata. At every stockholders' meeting, each and every share of stock shall be entitled to one vote, either in person or by proxy. That said corporation shall have authority to transact business whenever the fifty shares of capital stock, amounting to twenty-five hundred dollars, shall have been subscribed in full, and the sum of twenty dollars paid in on each and every share; further assessments shall be paid from time to time as directed by the board of directors, until the full amount of twenty-five hundred dollars shall have been paid in full.

Organization. Directors.

President.

Vice-president and other officers.

Proviso: number of officers.

Bonded officers.

Increase of capital.

Stock vote.

Power to hold, deal in and improve property.

Sec. 4. That the said corporation shall be and is hereby empowered to have, receive and possess lands, tenements, hereditaments, rents, stocks, goods, chattels and effects of any and all kinds, of whatever nature or quality, whether real, personal or mixed, wherever situate; by gift, grant, purchase, bargain and sale, devise, bequest, testament, loan, legacy, or otherwise, by any mode of conveyance whatever; and the same to give, grant, bargain and sell, convey, pay, release, rent and dispose of, the whole or any less estate, that the corporation has in the same, and also to improve and augment, in such manner as said corporation by its by-laws may direct, the property of the corporation, and may apply

the rents, issues, income, interest and any and all profits from sale, alienation, or disposal, or improvements thereof to the uses, ends and purposes of its creation, according to the rules and regulations of the said corporation, as fully and effectually as any corporation, body politic, or natural person can or may do in this State.

Power to borrow or lend money.

Sec. 5. That said corporation shall have, and is hereby given, power to borrow money, in such amount and at such rates of interest, not to exceed the rate allowed by law, payable at such places and times as the board of directors may determine, and issue its notes or bonds under its seal. It shall have power to loan money on mortgages or deeds of trust, on either real or personal property, or other surety, to discount bills of exchange, foreign or domestic, personal or other negotiable paper.

Power to act as agent.

Sec. 6. That said corporation shall have, and is hereby given, power to act as physical, business or transfer agent of any State, county or municipality, corporation, body politic, or any person or persons, and in such capacity may receive and disburse money, negotiate, sell, transfer and register certificates of stock, bonds or other evidences of indebtedness, charging for such services such commission as may be agreed upon.

Title guarantee.

Power to act as endorser.

Sec. 7. That said corporation shall have, and is hereby given, authority to issue policies of insurance on titles of real estate, and mortgages in guaranteeing titles, and may guarantee the payment of notes, bonds, or other evidences of debt, including the obligations of such corporations as may have secured their payment by deeds of trust to this corporation, and shall receive therefor such compensation as may have been agreed upon by the parties.

Power to accept and execute trusts.

Proviso: to give bonds.

May act as fiduciary.

Sec. 8. That this corporation is hereby given power to accept and execute trusts of all kinds: *Provided*, the corporation execute such bond or bonds as are required by law of individuals in such cases, which may be committed to its care with its consent, by any person or persons, any corporation, body politic, or any of the courts of this State, or of the States or Territories of the Union, or any of the United States courts; to act as trustee, executor, administrator, guardian, commissioner, committee of a lunatic or habitual drunkard, assignee, receiver, broker, factor, agent, or attorney, for any person or corporation; and for its services shall receive such fees, commissions, or emoluments as are allowed individuals in such cases. That, in lieu of the bond required of fiduciaries by law, it shall be lawful for the said corporation to file with the Clerk of the Superior Court of Person County an undertaking in the sum of twenty-five hundred dollars, with sufficient surety, either personal surety or by depositing bonds of any State of the United States, or any duly authorized bonds of any city or town in this State, or any other surety that may be approved by the clerk. And the said undertaking shall be

Undertaking in lieu of bond.

conditioned for the faithful performance of all trusts committed to the said corporation. Said undertaking may be sued upon by any person injured by the failure of the said corporation to faithfully execute any trust committed to its care, or by the personal representative of such person, in the Superior Court of any county in this State wherein the breach of trust has been committed. A copy of the undertaking, duly verified by the Clerk of the Superior Court of Person County, under his official seal, shall be received in evidence in any of the courts of this State. That whenever it shall appear to the Clerk of the Superior Court of Person County that it is necessary for the faithful performance of all trusts committed to the care of the said corporation, he may require said corporation to increase the amount of the said undertaking to any amount, not to exceed ten thousand dollars. The Superior Court of any county wherein any trust may have been committed to the said corporation may require such reports of, and make such orders respecting said trust, and require such accounts, as if said corporation was a natural person. In accepting any trust or power hereunder, said corporation may qualify by one of its executive officers. That said corporation shall have discretionary power to invest the funds received in trust in the bonds of the United States, or any of the States in the Union, or in the duly authorized bonds of any city, town or county in this State, or in loans secured by mortgage or deed of trust on real or personal property, or other surety; but all such loans shall be at the sole risk of the said corporation, and for any losses by reason of said investments the capital stock of said corporation, together with all the property of the corporation and its bond or bonds, shall be absolutely liable.

Reports.

Investment of funds.

Power to acquire and deal in property.

Improvements.

Sec. 9. That said corporation shall have, and is hereby given, power to take, acquire, buy, own, hold, work, maintain, develop, sell, convey, lease, rent, mortgage, exchange, improve and otherwise deal in and dispose of real estate, or any interest therein, without limit as to amount, and to deal in and dispose of all kinds of property without limit as to amount; to erect, build, construct, alter, maintain and improve buildings, houses, or works of any kind on the lands of the corporation, or any other lands, under license from owners thereof; to appropriate and convert lands for, to erect, build and maintain roads or streets, and any other and all kinds of conveniences on the property of the corporation, or any other person, under license from the owners thereof: *Provided*, that when said work is done, or buildings erected or repaired, on the lands of another the said corporation shall receive such compensation as may have been agreed upon by the parties, and shall be entitled to all the liens that are given contractors, laborers and material furnishers in such cases.

Power to make and negotiate loans.

Sec. 10. That said corporation shall have the power and privilege to make and negotiate loans of money on the bonds or notes

of any person, firm or corporation, secured by deed of trust or mortgage on either real or personal property, or both, or by personal or other surety, said deeds of trust or mortgages to be executed to said corporation, or to any trustee that may be selected by the parties, and said notes or bonds may include on the face thereof interest at the legal rate per annum for the full period of time agreed upon by the parties for the final payment of the said note or bond, and the said corporation may require said note or bond, with interest so added, to be paid in as many equal installments, at stated and equal intervals of time, as may be agreed upon, between the date of the bond or note and the time agreed upon for the final payment thereof, and in default of the payment of any installment interest may be added from the date due until paid.

Accounts of married women.

Sec. 11. That whenever any money shall be loaned or business transacted for any female, the female being or thereafter becoming a married woman, the same shall be held for the exclusive use of the person in whose name held, and the receipt of said female person shall be binding on all persons or parties, and shall be a sufficient discharge of said corporation from liability therefor.

Transfer of stock.

Sec. 12. That the stock of said corporation held by any person shall be transferred only on the books of the corporation, either in person or by power of attorney, and no stockholder shall transfer his stock without consent of the directors of the corporation.

Principal office.

Branch offices.

Sec. 13. That the principal office of said corporation shall be in Person County, North Carolina, but the directors may establish branch offices at such places as they may deem best, in or out of the State.

Sec. 14. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 106.

AN ACT TO AMEND CHAPTER 83, PRIVATE LAWS OF 1891, AS AMENDED BY CHAPTER 127, PRIVATE LAWS OF 1895, AND CHAPTER 63, PRIVATE LAWS OF 1901, RELATING TO THE CHARTER OF THE TOWN OF WELDON, HALIFAX COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Appropriation to graded schools.

Section 1. That there be added to section seventeen of chapter eighty-three of the Private Laws of one thousand eight hundred and ninety-one the following words: "They may appropriate to the support of the graded schools of the Weldon Graded School

District, and for the equipment of the same, a part of the taxes collected for municipal purposes."

Sec. 2. That subsection six of chapter eighty-three, Private Laws of one thousand eight hundred and ninety-one, as amended by section one of chapter sixty-three, Private Laws of one thousand nine hundred and one, be amended by striking out said section six of chapter eighty-three, Private Laws of one thousand eight hundred and ninety-one, and section one of chapter sixty-three, Private Laws of one thousand nine hundred and one, and inserting in place thereof the following: "Upon every license or permission by the board of commissioners of said town of Weldon to sell or retail, within the corporate limits of the said town, spirituous, vinous or malt liquors in quantities of less than five gallons, a license tax, to be paid in advance, of not less than one thousand dollars and not to exceed twenty-five hundred dollars; and in quantities of five gallons or more, a tax not less than two hundred and fifty dollars and not more than two hundred and fifty dollars."

Tax on liquor license.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 107.

AN ACT TO REPEAL THE PRESENT CHARTER OF BOONE, NORTH CAROLINA, AND TO RE-CHARTER THE TOWN.

The General Assembly of North Carolina do enact:

Town incorporated. Boundaries.

Section 1. That the town of Boone, in the county of Watauga, is hereby incorporated in the following boundaries, viz.: Beginning at the center of the front steps of the court-house and running west one hundred and sixteen poles to a poplar sprout in W. L. Bryan's field; then south fifty-six degrees east, crossing the road, sixty-eight poles to an apple treee on top of the ridge in W. L. Bryan's field; then south forty-six degrees east two hundred and twelve poles to a bunch of locust south of D. D. Dougherty's house; then south sixty-eight degrees east forty-four poles to a small white pine south of Joe Calloway's corner; then north seventy degrees east sixty poles to a large maple on the south side of the turnpike road; then north thirty-five degrees west with the road eight poles; then north thirty degrees east with said road twenty poles; then north eighteen degrees east with said road sixty poles to a maple in the forks of the road at the old road; then west,

with the old road fifty-one poles to corner of Cook Brothers and B. J. Councill's lot; then north thirty-eight degrees west, crossing the road, sixty-eight poles to B. J. and A. M. Councill's line; then north eight degrees east with said line forty poles to a sassafras; then north twenty-two degrees west with said line seventy-four poles to B. J. and A. M. Councill's corner; then north seventy-two degrees west one hundred and seventy poles to a locust on top of the ridge in B. T. Brannock's field; thence to the terminus of the first call.

Town officers.

Sec. 2. That the officers of said town shall consist of a mayor and three commissioners and a constable, or marshal, and such policemen as in the judgment of the mayor may be necessary, and that upon the taking effect of this act the following named persons shall fill the said offices of mayor and commissioners, to-wit: Mayor, J. C. Fletcher; commissioners, M. B. Blackburn, C. J. Cottrell and E. S. Coffey, who shall hold and exercise their respective offices until their successors shall be elected and qualify.

Town elections.

Sec. 3. That an election shall be held on Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, for the said offices of mayor and commissioners, as provided by the general law governing towns and cities.

General municipal law to apply.

Sec. 4. That said town shall have the benefit of and be subject to all the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five, except it shall not be subject to the provisions of sections two thousand nine hundred and eighty-one and two thousand nine hundred and eighty-two of said Revisal.

Sec. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 108.

AN ACT TO INCORPORATE THE TOWN OF GOLDSTON, IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Goldston, in the county of Chatham, be and the same is hereby created a body politic and corporate by the name and style of "Goldston," and shall be, as such incorporation, subject to and invested with all the powers, rights, privileges and provisions contained in chapter seventy-three of the Revisal of North Carolina, and in the Constitution and laws of

Corporate name.

the State of North Carolina and amendments thereto, in reference to municipal corporations, as the same may now exist, except as they may be in conflict with or modified by the provisions of this act.

Corporate limits.

Sec. 2. That the corporate limits of the said town of Goldston shall embrace all the territory within a radius of one-half mile from the depot of the Southern Railway Company at Goldston as a central point.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, five commissioners and a town marshal, and until their successors are elected and qualified as hereinafter provided, the following persons shall be the officers of the said town, to-wit: Mayor, Walter L. Goldston; commissioners, C. W. Womble, N. F. Barber, T. M. Bynum, O. S. Johnson, W. M. Burns; marshal, Charles Elkins.

Town elections.

Sec. 4. That there shall be held on Tuesday after the first Monday in May, one thousand nine hundred and seven, and every two years thereafter, an election for a mayor, five commissioners and a marshal, who shall hold their offices until their successors are elected and qualified.

Election under general law.

Sec. 5. That said election shall be held in pursuance of the rules and regulations provided by the Revisal of North Carolina for conducting and holding elections in incorporated towns.

Manufacture and sale of liquors forbidden.

Sec. 6. That there shall be no intoxicating liquors, wines or beers manufactured or sold within said town.

Ordinances, rules and regulations.

Sec. 7. That the board of commissioners of said town may adopt and enact such ordinances, rules and regulations for the government of said town as may not be contrary to the Constitution and the laws of the State of North Carolina, and may enforce the same by fine, not exceeding fifty dollars, or imprisonment, not to exceed thirty days.

Jurisdiction of mayor.

Sec. 8. The mayor of said town shall have the same criminal jurisdiction within the limits of the town that justices of the peace now have.

Stock running at large.

Sec. 9. That the board of commissioners may prohibit the running at large, within the corporate limits of said town, of horses, cattle, hogs, sheep, jacks, jennets, goats and such other live-stock; and are hereby empowered to make such rules and regulations as they may deem best for the impounding and sale of all the animals mentioned in this section, as well as other live-stock not mentioned, [and to prevent them] from roaming at large within the corporate limits of said town, contrary to the ordinances of said town.

Powers of commissioners as to streets.

Sec. 10. That in addition to the powers conferred on the commissioners of incorporated towns by chapter seventy-three of the Revisal of North Carolina, and which is made a part of this chapter, the said commissioners shall have full power to lay out and open any new street or streets within the corporate limits of said town, and they shall also have power at any time to widen, en-

large, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making reasonable compensation to the owner or owners of the land sought to be condemned or appropriated for the public use by the commissioners; and if the commissioners cannot agree as to the compensation, then the matter shall be referred to arbitration, the commissioners and owner of the land each choosing one freeholder and a qualified elector of said town; and in case the owner of the land sought to be condemned shall refuse to choose such an arbitrator, then the mayor shall, in his stead, choose such arbitrator for him, and in case the two chosen as aforesaid cannot agree, then the arbitrators so chosen shall elect an umpire, like qualified as themselves, whose duty it shall be to examine the land sought to be condemned, and ascertain the damages that will be sustained by it and the benefits accruing to the owner in consequence of the taking and appropriating of the said lands, and award to the said owner the amount, if any, that shall be paid by the town for the use of the land so taken; and the award of the arbitrators shall be conclusive of the rights of the parties and shall vest in the commissioners the right to use the land for the purpose for which it is condemned; and the damages agreed upon between the owners of the land and the board of commissioners, as awarded by the arbitrators, shall be paid as other town liabilities: *Provided*, that either party may appeal to the Superior Court of Chatham County.

Condemnation of land for streets.

Proviso: appeal.

Sec. 11. The board of commissioners are hereby empowered to enact such police regulations as may be necessary for the government of the town.

Police regulations.

Sec. 12. The board of commissioners shall, at the time the State and county taxes are levied, annually levy an *ad valorem* tax on property, real and personal, not exceeding twenty-five cents on every hundred dollars' worth of property, as assessed for the State and county taxes, and shall place a *per capita* tax on every male residing within the said town, liable to pay poll tax as now provided by law, a poll tax not exceeding seventy-five cents per head, the Constitution and the laws of the State to be observed in the assessing of property and the levying of taxes and the collection of taxes and sales of property for the same.

Taxing power.

Property tax.

Poll tax.

Sec. 13. The board of commissioners may levy such privilege or license tax on shows, exhibitions and such other things as are liable for a tax under the revenue laws of the State now in force; and the revenue laws of one thousand nine hundred and seven of this State, and every revenue law hereafter of the State, shall be a part of this act, to govern and enable the said commissioners to levy such license tax as they desire.

Privilege or license tax.

Town marshal to collect taxes.

Sec. 14. That all taxes levied by the board of commissioners shall be collected by the town marshal, and he shall have the same rights, powers and authority as the sheriff of the county now has or may hereafter have for the collection of county and State taxes.

Sec. 15. That the town shall have the right to sue and be sued as Goldston, and by this name shall transact all of its business.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 109.

AN ACT TO INCORPORATE THE TOWN OF CROUSE, LINCOLN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

Section 1. That the town of Crouse, in Lincoln County, be and the same is hereby incorporated under and by the name of "Crouse," and it shall have the benefits of and be subject to all the provisions of the law now existing in reference to incorporated towns.

Corporate limits.

Sec. 2. That the corporate limits of said town be as follows: The territory incorporated shall contain five hundred and sixty-two and one-half acres of land, and shall be in the form of a perfect square (each of the four sides to be three hundred rods long), with the center of said square at an iron pin in the middle of the street in front of Heafner Brothers' store; the northern and southern boundary lines of said square shall run parallel to the aforesaid street.

Town officers.

Sec. 3. That the officers of said corporation shall consist of a mayor, five commissioners and a town marshal; and the following named persons shall fill said offices until Tuesday after the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified: Mayor, W. W. Noland; commissioners, J. L. Bean, M. M. Burke, J. F. Heafner, A. L. Mauney and J. M. Heafner; marshal, J. P. Cornwell.

Town elections.

Sec. 4. That there shall be an election held for officers mentioned in this act on Tuesday after the first Monday in May, one thousand nine hundred and seven, and every two years thereafter, by the qualified voters of said town, who, previous to the day of election, have resided in the State two years, in the county six months and in the town four months, and otherwise a qualified elector.

Law governing elections.

Sec. 5. That the elections provided for shall be held under the same rules and regulations as are prescribed, or may be hereafter

prescribed, for election of members of the General Assembly; except the powers and duties in such regulations conferred and directed to be exercised by the sheriff shall be exercised by the marshal of said town. Each elector shall vote one ballot, on which shall be placed the name and office of the person voted for, either printed or partly printed or written. At any such election the person receiving the highest number of votes cast at said election shall be declared elected. At the conclusion of the election the judges of the election shall declare the result, and the marshal shall within thirty-six hours notify the parties so elected. If at said election any two persons shall receive an equal number of ballots for the same office, the registrars of election shall decide the tie vote by casting same.

Judges of election to declare result.

Sec. 6. That the mayor and commissioners shall be installed in office on the day following the election by taking the following oath: "I, ..., do solemnly swear that I will perform, according to the best of my ability, all the duties of the office of mayor (or commissioner), of the town of Crouse, as in my power lies, all laws, ordinances and regulations made for the government of said town, and in the discharge of my duties will do justice to the best of my knowledge and ability; so help me, God."

Mayor and commissioners to qualify.

Form of oath.

Sec. 7. That the said town of Crouse and the inhabitants thereof are declared hereby a body politic and corporate, and shall bear the name and style of the "Town of Crouse," and under such name and style may sue and be sued, and by this name may acquire and hold, for the purposes of its government, welfare and improvement, all such estates as may be bequeathed, devised or conveyed to it; and may, from time to time, sell, dispose of and invest, as shall be deemed advisable by the proper authorities of the corporation.

Incorporation.

Corporate name.

Corporate powers.

Sec. 8. The mayor of the town is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of the town which are, or may hereafter be, given to justices of the peace, and shall also have exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of an ordinance or ordinances of said town. The proceedings of said mayor's court shall be the same as are now, or may hereafter be, prescribed for courts of justices of the peace, with right of appeal of defendant to the Superior Court of Lincoln County. In all cases where judgment may be entered against any person for fines or penalties, according to the laws and ordinances of said town, for criminal offenses, and the person against whom same has been adjudged refuse, fail or [is] unable to pay same, it shall be lawful for the mayor to order and require such person to perform work upon the streets or other public works of said town, under the supervision of the marshal or street overseer, under such rules and regulations as may be pre-

Mayor to be special court. Jurisdiction.

Convicts to be worked on streets.

scribed by the board of commissioners of said town, until, at a fair rate of wages, to be prescribed by the board of commissioners of said town, said person shall have worked out the full amount of such cost and judgment of prosecution.

Precepts of mayor. Sec. 9. The mayor of said town may issue his precepts to the sheriff of said county of Lincoln, or to any constable or marshal, or to any officer to whom a justice of the peace may direct his precepts.

Minute of precepts. Sec. 10. The mayor of said town shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings.

Powers of commissioners. Sec. 11. The board of commissioners when convened shall have power to make such ordinances, rules, regulations and by-laws for the proper government of the town as they may think necessary, and provide for the proper execution thereof as they think best.

Further powers. Sec. 12. To pass all laws, ordinances and regulations necessary or proper to carry into effect the intent and meaning of this act: *Provided*, not inconsistent with the Constitution or laws of this State.

Further powers. Sec. 13. To impose, collect and appropriate fines, penalties and forfeitures for breach of the ordinances and regulations of said town.

Collection of taxes. Sec. 14. To levy, lay and provide for the collection of taxes, authorized by law to be laid, levied and collected by said town, and to enforce the collection of the same.

Clerk and treasurer. Bond. Sec. 15. That the board of commissioners at its first meeting in May shall elect a clerk and treasurer, who shall give bond in such sum as the board of commissioners may fix, and who shall hold his office for one year. At said meeting the board of commissioners shall fix the bond of marshal, accept and approve same, for the faithful performance of his office and for the collection of taxes.

Bond of marshal.

Duty of marshal. Sec. 16. It shall be the duty of the marshal of said town to see that the laws, ordinances, regulations and orders of said town board of commissioners are enforced, and to report all breaches thereof to the mayor of said town; to preserve the peace and order of said town by suppressing disturbances and apprehending offenders, for which purpose he shall have all the powers and authority vested in sheriffs or county constables; and to execute civil and criminal precepts and processes and notices of every character lawfully directed to him by the mayor of said town; and in the execution thereof he shall have the same powers anywhere in the county of Lincoln as the sheriff or constable thereof has or hereafter may have. That the marshal shall be tax collector for said town.

Powers and authority.

Taxes. Sec. 17. In order to raise funds for the current expenses of the town and the improvement of same, the board of town commissioners shall, at their first meeting in June in every year, lay and

provide for the collection of taxes: (1) On all real and personal property within the limits of said town and all other subjects of taxation by the General Assembly of this State, as specified and valued under the provisions of law, an *ad valorem* tax not exceeding thirty-five cents on every hundred dollars of such valuation as of the first day of June of every year; (2) on every person residing in said town on the first day of June of every year, subject to poll tax under the laws of this State, a poll tax not exceeding one dollar and five cents each. Property tax. Poll tax.

Sec. 18. All taxes of said town shall be levied, assessed and collected in the same manner and under the same rules and regulations and subject to the same penalties as are provided by law for the listing, levying and assessing and collecting State and county taxes in this State. Levy and collection of taxes.

Sec. 19. The lien of town taxes levied for all purposes in each year shall attach to all real property on the first day of June annually, shall be paramount to all other liens and continue until such taxes, with penalties accrued thereon, are paid. Lien of town taxes.

Sec. 20. The fiscal year of said town shall begin on the first day of June in each and every year. Fiscal year.

Sec. 21. The poll and *ad valorem* taxes of said town shall become due on the first day of September in every year. Taxes due.

Sec. 22. That the mayor of said town shall be entitled to fees in cases brought before him as are prescribed by law for justices of the peace. Fees of mayor.

Sec. 23. That the marshal of said town shall be entitled to and receive the same fees as prescribed by law or may hereafter be prescribed for sheriffs and constables for the service. Fees of marshal.

Sec. 24. That the clerk and treasurer of said town shall be paid such compensation for services as may be prescribed by the town commissioners, who shall fix his bond. Pay of clerk and treasurer.

Sec. 25. That the mayor shall have jurisdiction to try all cases prescribed by this charter, or by the ordinances of the town, and shall hear and determine same without requiring a complaint on oath in writing by the party injured, but may exercise said jurisdiction on the complaint of any other person, or where the offense is committed in presence of the mayor. Jurisdiction of mayor.

Sec. 26. The mayor's court shall be a special or inferior court in the town of Crouse, and the mayor shall be clothed with all the power of judges or presiding officers of inferior courts for the purpose of executing the laws and ordinances of said town; and in all cases of appeal the party appealing shall give bond for appearance and bond to secure cost and judgment of the mayor's court. Mayor's court.

Sec. 27. That the violation of any such ordinance as the board of commissioners shall pass shall be a misdemeanor and punishable by a fine of not exceeding fifty dollars or imprisonment thirty days, and as such shall be punishable in any court in the State Violation of ordinances a misdemeanor.

Commissioners to fix punishment.

having jurisdiction. That the board of commissioners of said town shall fix all punishment for violation of such ordinances as they, from time to time, may pass and prescribe for the government of said town.

Sec. 28. That no spirituous, vinous or malt liquors shall be manufactured or sold in the corporate limits of the town of Crouse.

Sec. 29. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 110.

AN ACT TO REPEAL CHARTER GRANTED APRIL 5, 1906, TO R. D. PHILLIPS AND OTHERS IN THE NAME OF INDEPENDENT A. M. E. DENOMINATION OF THE UNITED STATES OF AMERICA.

The General Assembly of North Carolina do enact:

Charter repealed.

Section 1. That the charter granted to R. D. Phillips and others by the Secretary of State in the name of the Independent A. M. E. Denomination of the United States of America, on April fifth, one thousand nine hundred and six, be and the same is hereby repealed, and that all corporate powers granted therein cease and determine.

Sec. 2. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 111.

AN ACT TO INCORPORATE THE TOWN OF ORE HILL, IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Ore Hill, in the county of Chatham, be and the same is hereby created a body politic and corporate, by the name and style of "Ore Hill," and shall be, as such incorporation, subject to and invested with all the powers, rights, privileges and provisions contained in chapter seventy-three of the Revisal of North Carolina, and in the Constitution and laws of the State of North Carolina and amendments thereto in refer-

Corporate name.

ence to municipal corporations, as same may now exist, except as they may be in conflict with or modified by the provisions of this act.

Corporate limits.

Sec. 2. That the corporate limits of the said town of Ore Hill shall embrace all the territory within a radius of three-fourths of a mile from the depot of the Southern Railway Company at Ore Hill as a central point.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, five commissioners and a town marshal, and until their successors are elected and qualify as hereinafter provided, the following persons shall be the officers of said town, to-wit: Mayor, R. M. Gorrell; commissioners, C. S. Ellis, W. T. Dark, R. W. White, N. H. Heritage and D. T. Vestal; marshal, Eli M. Bray.

Town elections.

Sec. 4. That there shall be held on the first Tuesday after first Monday in May, one thousand nine hundred and seven, and every two years thereafter an election for a mayor, five commissioners and a marshal, who shall hold their offices until their successors are elected and qualify.

Law governing elections.

Sec. 5. That said election shall be held in pursuance of the rules and regulations provided for by the Revisal of North Carolina for conducting and holding elections in incorporated towns.

Manufacture and sale of liquors forbidden.

Sec. 6. That there shall be no intoxicating liquors, wines or beers manufactured or sold within said town.

Powers of commissioners.

Sec. 7. That the board of commissioners of said town may adopt and enact such ordinances, rules and regulations for the government of said town as may not be contrary to the Constitution and the laws of the State of North Carolina, and may enforce the same by fine, not exceeding fifty dollars, or imprisonment not to exceed thirty days.

Jurisdiction of mayor.

Sec. 8. The mayor of said town shall have the same criminal jurisdiction within the limits of the town that justices of the peace now have.

Stock running at large.

Sec. 9. That the said board of commissioners may prohibit the running at large within the corporate limits of said town of horses, cattle, hogs, sheep, jacks, jennets, goats and such other live-stock, and are hereby empowered to make such rules and regulations as they may deem best for the impounding and sale of all the animals mentioned in this section, as well as other live-stock not mentioned, from roaming at large within the corporate limits of said town, contrary to the ordinances of said town.

Powers of commissioners as to streets.

Sec. 10. That in addition to the powers conferred on the commissioners in incorporated towns by chapter seventy-three of the Revisal of North Carolina, and which is made a part of this chapter, the said commissioners shall have full power to lay out and open any new street or streets within the corporate limits of said town, and they shall also have power at any time to widen, enlarge, change, extend or discontinue any street or streets, or any

Power to condemn land.

Procedure for condemnation.

part thereof, within the corporate limits of said town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making reasonable compensation to the owner or owners of the land sought to be condemned or appropriated for the public use by the commissioners; and if the commissioners cannot agree as to the compensation, then the matter shall be referred to arbitration, the commissioners and owners of the land each choosing one freeholder, and a qualified elector, of said town; and in case the owner of the land sought to be condemned shall refuse to choose such an arbitrator, then the mayor shall, in his stead, choose such arbitrator for him; and in case the two chosen as aforesaid cannot agree, then the arbitrators so chosen shall elect an umpire, like qualified as themselves, whose duty it shall be to examine the land sought to be condemned, and ascertain the damages that will be sustained by and the benefits accruing to the owner in consequence of the taking and appropriating of said land, and award to the said owner the amount, if any, that shall be paid by the town for the use of the land so taken; and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purpose for which it was condemned, and the damages agreed upon between the owners of the land and the board of commissioners, as awarded by the arbitrators, shall be paid as other town liabilities: *Provided*, that either party may appeal to the Superior Court of Chatham County.

Proviso: appeal.

Police regulations.

Sec. 11. The board of commissioners are hereby empowered to enact such police regulations as may be necessary for the government of the town.

Taxing power.

Property tax.

Poll tax.

Sec. 12. The board of commissioners shall, at the time the State and county taxes are levied, annually levy an *ad valorem* tax on property, real and personal, not exceeding twenty-five cents on every hundred dollars' worth of property, as assessed for the State and county taxes, and shall place a *per capita* tax on every male residing within the said town, liable to pay poll taxes as now provided by law, a poll tax not exceeding seventy-five cents per head, the Constitution and laws of the State to be observed in the assessing of property and levying of taxes and the collection of taxes and sales of property for the same.

Privilege or license taxes.

Sec. 13. The board of commissioners may levy such privilege or license tax on shows, exhibitions and such other things as are liable for a tax under the revenue laws of the State now in force; and the revenue laws of one thousand nine hundred and seven of this State and every revenue law hereafter of the State shall be a part of this act to govern and enable the said commissioners to levy such license tax as they desire.

Sec. 14. That all taxes levied by the board of commissioners shall be collected by the town marshal, and he shall have the same right, power and authority as the sheriff of the county now has or may hereafter have for the collection of county and State taxes. Taxes collected by town marshal.

Sec. 15. That the town shall have the right to sue and be sued as Ore Hill, and by this name shall transact all of its business. Corporate powers.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 112.

AN ACT TO AMEND CHAPTER 77, PRIVATE LAWS OF THE SESSION OF 1883, ALLOWING THE BOARD OF COMMISSIONERS OF THE TOWN OF MT. PLEASANT TO LEVY CERTAIN SPECIAL TAXES.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter seventy-seven, Private Laws of one thousand eight hundred and eighty-three, be amended by adding at the end of section three of said chapter the following: "And the said Board of Commissioners of the Town of Mount Pleasant shall, at the time of making the annual levy of taxes for municipal purposes as therein prescribed, levy a special tax on the following trades and businesses: On all persons, firms or corporations dealing in, handling, selling or otherwise disposing of fire-crackers, torpedoes or fire-works of any description, an annual tax of not less than twenty-five dollars nor more than one hundred dollars." Tax on dealers in fire-works.

Sec. 2. Any person, firm or corporation dealing in the above mentioned articles and failing to pay the tax, when demand is made therefor by the treasurer of the said town of Mount Pleasant, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined fifty dollars or imprisoned for thirty days. Failure to pay tax a misdemeanor. Punishment.

Sec. 3. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 113.

AN ACT TO INCORPORATE THE TOWN OF KINGSDALE, IN THE COUNTY OF ROBESON, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated. Section 1. That the town of Kingsdale, in Robeson County, be and the same is hereby incorporated under the name and style of Corporate name. the Town of Kingsdale, and as such shall be subject to and governed by all of the provisions of chapter seventy-three (73) of the Revisal of one thousand nine hundred and five (1905) of North Carolina, except as hereinafter provided.

Corporate limits. Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a point one-quarter of a mile due north from the center of the depot building of the Raleigh and Charleston Railroad Company at Kingsdale and running thence due west one-quarter of a mile; thence due south one-half mile; thence due east one-half mile; thence due north one-half mile; thence due west one-quarter of a mile to the beginning, the limits hereby created being a square, each side whereof is one-half mile long, with the depot of the Raleigh and Charleston Railroad Company at Kingsdale as the center.

Town officers. Sec. 3. That the officers of said town shall consist of a mayor and three commissioners, a constable, a town clerk and treasurer.

Election of mayor and commissioners. Sec. 4. That the mayor and commissioners of said town shall be elected on the first Monday in May, one thousand nine hundred and seven, and on said day in each and every year thereafter, in the same manner and under the same rules and regulations as are prescribed in chapter seventy-three (73) of the Revisal of North Carolina of one thousand nine hundred and five (1905), entitled "Towns"; and the said mayor and commissioners shall, at their Constable, clerk and treasurer. first meeting after their qualification, elect a constable and town clerk and treasurer, who shall hold their offices for the term of one year and until their successors are elected and qualified.

First officers named. Until their successors have been elected and qualified, as herein prescribed, the following named persons shall fill the offices herein created, to-wit: Mayor, J. A. Duke; commissioners, George D. Yeakel, J. A. Cook and S. L. Parker; and the said commissioners shall, immediately upon their qualification, elect a constable and town clerk and treasurer, who shall hold office until the next general election for said town, as is herein provided, and until their successors are elected and qualified.

Vacancies. Sec. 5. That whenever a vacancy occurs in the office of mayor the commissioners shall appoint one of their board mayor *pro tempore;* and whenever a vacancy occurs in the office of commissioner the remaining commissioners shall fill said vacancy, and

the person so chosen shall hold office until the next general election for town purposes and until his successor is elected and qualified.

Ordinances.

Sec. 6. That the mayor and commissioners of said town shall have the power to pass such ordinances, rules and regulations for the government of said town as may be deemed necessary or expedient: *Provided*, they be not inconsistent with the Constitution or laws of the State of North Carolina or of the United States.

Officers to qualify.

Sec. 7. That before entering upon the discharge of their duties the mayor, board of commissioners, constable and town clerk and treasurer shall take the oath prescribed by law for the officers of towns and cities, before some justice of the peace of Robeson County, or other officer authorized by law to administer oaths; and said town officers shall qualify and enter upon the discharge of their duties within ten days after their election.

Town taxes.

Sec. 8. That the mayor and board of commissioners of said town are hereby authorized and empowered to levy such taxes as may be necessary for the support of the town government, upon all subjects of taxation, as provided in section twenty-nine hundred and twenty-four (2924) of the Revisal of one thousand nine hundred and five (1905) of North Carolina: *Provided, however*, that the tax levied by said town shall never exceed the sum of ten (10) cents on the hundred dollars valuation of real and personal property and thirty (30) cents on the poll.

Proviso: rate.

Sale of liquor forbidden.

Sec. 9. That it shall be unlawful for any person to sell, barter, exchange or dispose of in any manner whatsoever, directly or indirectly, for gain, reward or anything of value, any spirituous, vinous, malt or fermented liquors, bitters, Jamaica ginger, or any other liquid of any name or kind which is or may be intoxicating when used to excess, within the corporate limits of said town, or within one mile thereof.

Disorderly houses.

Sec. 10. That it shall be unlawful for any person to keep or maintain, or cause to be kept or maintained, or assist, connive at or procure the keeping and maintenance of any disorderly house or premises within said town of Kingsdale, or within one mile of the corporate limits of said town; and the mayor of said town shall have jurisdiction and authority over offenders against this section within the limits as herein provided.

Jurisdiction of mayor.

Sec. 11. That the mayor of said town of Kingsdale shall have like jurisdiction of all cases as the mayors of other cities and towns in the State of North Carolina, for all offenses committed within the corporate limits of said town of Kingsdale.

Prisoners committed to county jail.

Sec. 12. That the sheriff and keeper of the common jail of the county of Robeson are hereby required to receive into the common jail of Robeson County any person duly committed to such jail by the Mayor of the Town of Kingsdale for the violation of any ordinance or ordinances of said town of Kingsdale, and to keep such person in said jail until discharged by due process of

law; and for such services the sheriff or jailer shall be entitled to the same fees as in other cases, to be paid by the order of the mayor of the town of Kingsdale; or such person may be confined in the guard-house at Kingsdale.

Convicts worked on streets.

Sec. 13. In all cases where judgment may be entered by the mayor of the town of Kingsdale for any fine according to the ordinances, rules and regulations of said town, and the person against whom the same is so adjudged refuses or is unable to pay such judgment, then it shall be lawful for the mayor, before whom such judgment is entered, to order and require the person so convicted to work on the streets or other public works of said town until, at fair rates of wages to be fixed by the board of commissioners of said town, such person shall have worked out the full amount of the fine and costs of the prosecution; and all sums received for fines shall be paid into the town treasury: *Provided, however,* that no woman shall be worked on the streets of said town for failure to pay any fine; but nothing herein contained shall prevent the imprisonment of any woman for violation of the ordinances of said town.

Proviso: women not worked on streets.

Sec. 14. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 114.

AN ACT TO AMEND THE CHARTER OF CITIZENS TRUST AND SAVINGS BANK, OF ASHEVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Charter amended.

Section 1. That the charter of the "Citizens Trust and Savings Bank," a banking corporation having its principal office at Asheville, North Carolina, and operating under a charter secured under the general laws of the State of North Carolina, be and said charter is hereby amended in the following particulars:

Branch offices.

Sec. 2. That upon compliance with the corporation laws of the State said bank shall have the right to establish branch offices and places of business.

Corporate powers.

Sec. 3. The corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued in the courts as fully as natural persons; to buy, hold, possess and convey real, personal and mixed property; to make by-laws for the regulation and management of the business of the company, and to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.

General banking powers.

Sec. 4. That said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation; to invest its own money or the money of others; to lend and invest in or upon the security of, mortgage, pledge, deed or otherwise on any lands, hereditaments or personal property or interest therein of any description, situate anywhere; to lend money upon or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable or commercial papers, or any crops or produce whatever, and what is known as cash credits, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on any such loans not exceeding the rate allowed by law, and may reserve the interest or charges in advance.

Powers to deal in stocks and bonds.

Sec. 5. That said corporation may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds, debentures or other securities of any government, State, municipality, corporation, company, partnership or person, and hold, deal in, sell or distribute the same among the stockholders; may negotiate or place in behalf of any corporation, company, partnership or person shares, stocks, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligation by said company; and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any other corporation for any portion of its bonds, securities, obligations or capital stock, as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. That said corporation may also receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of directors may agree to, as an investment or otherwise.

Savings bank powers.

Sec. 6. The said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to saving banks, with the right to receive deposits, the limit to be fixed by its board of directors, and to pay interest thereon at fixed rates or by way of dividends out of the net earnings, according to the terms to be agreed upon between the corporation and its depositors; and the board of directors are hereby fully authorized to adopt all other rules and regulations for conducting and carrying into effect the savings bank feature of this corporation.

Deposits of minors and married women.

Sec. 7. The said corporation may receive deposits from minors and married women, and open accounts with them in their own names, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman, the said company may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and pay--

ment made to such minor or married woman on his or her receipt or acquittance, or his or her check drawn against such deposit, shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest thereon, or any part thereof.

May act as agent, factor or trustee.

Sec. 8. That said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual, on such terms as to agency and commission as may be agreed upon, in registration, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of on account of any State, county, town, municipality, corporation, company or person, bonds, certificate of stock, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business; and may charge such premium, commission or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

May act in fiduciary capacities.

Sec. 9. That said corporation shall have power to receive money in trust, to become executor or administrator of any estate, and to accept and execute any other trust that may be committed to it by any court, corporation, company, person or persons; and it shall also have power to accept any grant or transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, and to execute the same on such terms as may be established and agreed upon by the board of directors.

May act as insurance agent.

Sec. 10. That this company is hereby authorized and fully empowered to act as agent or broker in the business of marine, fire, tornado, life, accident and fidelity insurance; in the business of giving protection to principals and employers; and in any other kind or class of insurance in all of its branches; and to act as agents of representatives or owners or other persons or corporations having, or claiming to have, any interest in merchandise, vessels, cargoes, freights or other subjects of insurance.

Officers and directors.

Sec. 11. That the officers of this corporation shall be a president, a vice-president, a secretary and treasurer and a board of five or more directors as aforesaid, the number of said directors to be determined by the by-laws; and said directors shall have the power to fill vacancies and to create such other offices as may be necessary for the successful conduct of the business of this corporation.

Sec. 12. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 115.

AN ACT TO AMEND THE CHARTER OF GREENSBORO FEMALE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and thirty of the Private Laws of North Carolina, session one thousand nine hundred and five, be so amended that the trustees of Greensboro Female College shall be eighteen in number, six of whom shall be selected by the North Carolina Conference, six by the Western North Carolina Conference, and six by the Greensboro Female College Alumnæ Association, Incorporated. The term of office of trustees shall be six years, and said term shall be so arranged that one trustee shall be selected by each Conference and one by the Greensboro Female College Alumnæ Association, Incorporated, every year: *Provided*, that those who now hold the office of trustee shall hold their office for the term for which they were selected.

Number of trustees.

Selection of trustees.

Term of office.

Proviso: present trustees continued.

Sec. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification and acceptance by the board of trustees.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 116.

AN ACT TO ALLOW THE TRUSTEES OF THE METHODIST CHURCH OF MORGANTON, NORTH CAROLINA, TO REMOVE AND RE-INTER THE REMAINS OF THE BODIES BURIED ON A CERTAIN LOT IN MORGANTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That J. A. Claywell, J. I. Davis, B. F. Davis, J. N. Payne and E. B. Claywell, trustees of the Methodist Episcopal Church, South, of Morganton, North Carolina, Western North Carolina Conference, and their successors in office are authorized and empowered to remove and re-inter in the town cemetery or in suitable lots in Morganton, North Carolina, and in a suitable and decent manner, the remains of bodies buried in a lot known as the Old Church Burying-ground, situate on King Street, in said town, together with the stones and slabs marking the graves, such stones and slabs to be replaced at their respective graves in the plots in said lots or cemetery.

Trustees to remove and re-inter remains.

Notice to be given.

Sec. 2. That the said trustees shall give thirty days' notice in a newspaper published in Morganton, North Carolina, of their purpose to remove and re-inter said remains as provided above, and at the request of the next of kin of any person whose remains are buried at said Methodist burying-ground said remains shall be turned over to said next of kin so applying, to be interred by such person at pleasure.

Remains to be delivered to next of kin on request.

Sec. 3. That all laws or parts of laws which are in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 117.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF ELIZABETH CITY TO ESTABLISH A MARKET-HOUSE, TOWN HALL AND AUDITORIUM AND MAYOR'S OFFICE IN THE SAID TOWN, AND GIVING THE SAID BOARD OF ALDERMEN THE POWER TO ISSUE BONDS, IN A SUM NOT EXCEEDING FORTY THOUSAND DOLLARS, TO COVER THE COST OF THE ERECTION OF SAID BUILDING.

The General Assembly of North Carolina do enact:

Building authorized.

Section 1. That the board of aldermen of the corporation of Elizabeth City is hereby authorized and empowered to establish and erect a market-house, town hall, auditorium and mayor's office, and shall equip the said building in such a manner as to meet the needs and necessities of the people and the corporation of Elizabeth City, and shall also establish and erect suitable buildings for the fire department and apparatus.

Bond issue authorized.

Denomination.

Amount.

Interest.

Maturity.

Sec. 2. That the board of aldermen of Elizabeth City is hereby authorized and empowered and shall issue bonds in the name of the corporation of Elizabeth City, in the denomination of five hundred dollars each, with coupons and in such form as may be determined by the said board, to an amount not exceeding forty thousand dollars, payable in twenty years from the issuing thereof, and at such a time and place as the board of aldermen may prescribe. The said bonds shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually. The said bonds shall mature as follows: One thousand dollars per annum for the first five years, two thousand dollars per annum for the next ten years, and three thousand dollars per annum for the next five years.

Sec. 3. The said building as set out above is to be placed on the property now owned by the town of Elizabeth City on the northeast corner of Matthews and Pool Streets. Location of building.

Sec. 4. That the said bonds shall not be sold for less than par, and the proceeds arising therefrom shall be held by the treasurer of the corporation of Elizabeth City for the purposes set out above. Bonds not to be sold below par.

Sec. 5. That the said building shall be erected by contract with the board of aldermen of Elizabeth City and the board of permanent improvements, and no contract for the erection of said building shall be made by the board of aldermen of Elizabeth City without first having the approval of the board of permanent improvements. Contract for building.

Sec. 6. That all moneys received as rents, license, privilege, etc., from the market-house, hucksters' stands, town hall or auditorium shall be applied first to the payment of the principal and the interest on the said bonds, and after the payment of the said bonds and interest, any excess shall be paid over into the treasury for the general expenses of said corporation. Application of rents.

Sec. 7. This act shall be in force and effect from and after the first day of May, one thousand nine hundred and seven. When act effective.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1907.

CHAPTER 118.

AN ACT CREATING A SCHOOL DISTRICT IN JACKSON AND FERRELL'S TOWNSHIPS, NASH COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the following territory lying and being in Nash County, North Carolina, Jackson and Ferrell's Townships, and more particularly described as follows: Beginning at William Murray's southwest corner on Turkey Creek, and running thence east along said Murray's south line to J. C. Finch's line, the old Morgan place; thence along north line of the said Finch, with the line of Alsey Strickland, to the line of Cassandra Brantley and William Cone; thence along the said Brantley and Cone's line east to the Wheeler Swamp; thence down the meanderings of the said Wheeler Swamp to the south line of Jesse Morgan; thence along the said south line of Jesse Morgan and along the north line of T. Q. Vick to line of H. C. Vick; thence east to Jesse Morgan's southeast corner; thence north with the said Morgan and Vick's line to the line of John Farmer and William Brantley; thence Boundaries.

north with the said Farmer and Brantley's line to the line of W. E. Bissett and J. W. Finch; thence north along the line of the said Bissett and Finch to the line of Mordecai Brantley; thence north to Mill Branch; thence down the meanderings of said branch to Tar River; thence up the course of said river to Webb's bridge, on the Springhope road; thence southward with said road to the line of the Samaria School District; thence a direct line to Turkey Creek bridge, near first corner; thence along the course of said creek to the point of the beginning, is hereby made one school district and named "Old Stanhope," school-house to be at or near Frazier's Cross Roads.

School district created. Name; location of school-house.

Trustees and terms of office.

Sec. 2. That the following persons are hereby appointed school trustees for the schools in said district, and they shall hold office for the following terms, beginning on the first Monday in July, one thousand nine hundred and seven, to-wit: Leroy Whitley, for one year; J. J. Winstead, for two years; E. Z. Frazier, for three years; Alsey Strickland, for four years, and Junius Chamblee, for five years. All vacancies in said board of trustees, whether arising from death, resignation, removal, expiration of term of office or otherwise, shall be filled by the County Board of Education of Nash County, and the persons so selected shall hold for five years from the date of their selection.

Vacancies.

Special tax to be levied. Rate.

Sec. 3. That the Board of County Commissioners of Nash County shall levy annually a special tax of thirty cents on the one hundred dollars valuation on all the taxable property of said school district, and upon each poll ninety cents, and the tax so levied shall be collected by the Sheriff of Nash County and shall be by him turned over to the treasurer of the county board of education of said county, to be paid out by order only of the trustees of said school district, said order to be approved and signed by the superintendent of schools of said county in order to become valid vouchers in the hands of the said treasurer; and the sheriff shall receive as compensation for the collection and disbursement of this special tax five per centum commissions one way only, and the treasurer of the county board of education shall receive as compensation for such disbursements the same commissions allowed by law on other school funds.

School orders.

Commissions of treasurer.

Trustees to have charge of schools.

Sec. 4. That the said trustees above named and their duly constituted successors shall have the exclusive charge of the public schools in said territory, and they shall organize by the election of a chairman and secretary and the adoption of such by-laws as they may deem proper. The said trustees above named and their duly constituted successors shall spend all moneys belonging to the said district at the time they are inducted into office, or that belong to it by reason of this act, or collected under its provisions, or from any other source, for the exclusive use and benefit of said schools.

Organization.

Expenditures.

Sec. 5. That the said trustees shall have the right to employ teachers who hold certificates from the Superintendent of Public Instruction of Nash County, as in case of other public-school teachers, and select all officers necessary for said schools, and to fix their compensation; and they shall have the power to establish and maintain such schools as they shall deem necessary; and they shall have the right and power to buy, sell, take, and hold all property, both real and personal, necessary for the use of such schools; and should parents or other parties having charge of children of school age outside of said territory desire to send to the school in said territory, then the trustees shall have the right to permit them to do so, upon such terms as shall be fixed by said trustees. Teachers and officers. Outside pupils.

Sec. 6. That this act shall not go into effect, nor shall the tax herein authorized be levied or collected, until the Board of Commissioners of Nash County shall first submit to the qualified voters of the territory described in section one of this act the question whether the special tax mentioned in section three hereof shall be levied and collected. The Board of Commissioners of Nash County are hereby directed to submit to the qualified voters of said territory, on or before the fourth Monday in May, one thousand nine hundred and seven, the question as to whether or not said special tax shall be levied and collected. Thirty days' notice of said election shall be given by publication in some newspaper published in Nash County. In all other respects said election shall be held as provided for election of members of the General Assembly. Those in favor of the levy of the special tax shall vote a ballot on which shall be written or printed "For Schools," and those opposed shall vote a ballot on which shall be written or printed "Against Schools." If a majority of the votes cast at said election are "For Schools," then all the provisions of this act shall at once go into effect, and the aforesaid special tax shall, as aforesaid, be levied on all persons and property in said territory for five years consecutively: *Provided*, that if a majority of the qualified voters in said territory shall at any time petition the Board of Commissioners of Nash County not to levy the said special tax, their petition shall be granted. Act to be submitted to voters of territory. Date of election. Notice. Law governing election. Form of ballots. Proviso: tax levy stopped on petition.

Sec. 7. That all laws or parts of laws in conflict with any provision of this act are hereby repealed.

Sec. 8. That this act shall be in force from and after the first day of July, one thousand nine hundred and seven.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 119.

AN ACT TO CREATE A FREE SCHOOL DISTRICT IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Name of district.

Section 1. The County Board of Education of McDowell County is hereby authorized and empowered to create a free school district in McDowell County, to be known as "Woodlawn Free School District," to include all the territory within the following boundaries, to-wit: Beginning at the mouth of Armstrong Creek and running up the south bank of said creek to the mica mill; then west to the top of Woods knob; then south to Green Mountain Church; then east to the north fork of Catawba River; then up said river to the beginning.

Boundary.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 120.

AN ACT TO REPEAL CHAPTER 409 OF THE PRIVATE LAWS OF 1905, RELATIVE TO THE CHARTER OF THE TOWN OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Chain-gang abolished.

Section 1. That chapter four hundred and nine of the Private Laws of one thousand nine hundred and five, entitled "An act to amend the charter of the town of Hendersonville, in Henderson County," be and the same is hereby repealed.

Transfer of convicts.

Sec. 2. That the judge holding the courts of the Fourteenth Judicial District shall, between the date of the ratification of this act and the fifteenth day of March, one thousand nine hundred and seven, upon request of the Board of Commissioners of the Town of Hendersonville, make an order transferring all convicts who have heretofore been sentenced to, and who may be serving sentences in the convict force of said town at the time of making said order, to the convict force of any county to which he, in his discretion, may see fit to transfer said convicts; and all funds which have been provided for or collected by said town for the maintenance of said convict force shall be paid into the treasury of said town, to be expended as the governing body thereof may direct: *Provided*, that the transfer of said convicts shall be made in such manner and

Road funds to town treasury.

Proviso: terms of transfer.

upon such terms and conditions as the judge may deem proper, and which may be for the best interest of all parties concerned: *Provided further*, that said town shall have the privilege of working said convict force upon its streets until said order of transfer is made. Proviso: work until transfer.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 121.

AN ACT TO AMEND THE CHARTER OF THE SOUTHERN PRESBYTERIAN COLLEGE AND CONSERVATORY OF MUSIC.

The General Assembly of North Carolina do enact:

That chapter two hundred and ten of the Private Laws of one thousand eight hundred and ninety-seven be amended so as to read as follows:

Section 1. That the "Southern Presbyterian College and Conservatory of Music" be and it is hereby declared to be a body politic and corporate, and in that name it may sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal, and have and enjoy all the rights, powers and privileges now or hereafter given to corporations by the laws of the State of North Carolina. Corporate name. Incorporation.

Sec. 2. That this corporation shall have perpetual succession, and shall have the right and power, without limit, to acquire by purchase, gift or otherwise property, both real and personal, and to hold, improve, lease, sell and convey the same, and may invest all of its funds and change such investments in such manner as may seem best to the board of trustees. Corporate powers.

Sec. 3. That the said corporation shall be controlled and governed by a board of trustees composed of twenty-four members, twelve of whom shall be elected by Fayetteville Presbytery and twelve by Orange Presbytery, of the Presbyterian Church in the United States: *Provided*, that by consent of the said two presbyteries any other presbytery or presbyteries of the said church may be admitted into full participation in the ownership, government and control of the said corporation without amendment to this charter; and the presbyteries in control at the time of the admission of any other presbytery may enlarge or diminish the number of trustees, and may by resolution prescribe the number to be elected by each governing presbytery and the terms of office of Trustees. Election of trustees. Proviso: other electors.

Term of office of trustees.

such trustees. That the term of office of said trustees shall be three years, but when necessary some shall be elected for a shorter term, so that the terms of one-third of the entire members of the board of trustees shall end at each spring meeting of the governing presbyteries.

Officers of corporation.
Officers and teachers of college.

Sec. 4. That the said board of trustees of the corporation shall elect all officers of the corporation and all officers and teachers of the college, and may remove the same when in its opinion it is for the best interest of the college.

Management of college.

That the said board of trustees shall have the entire management of the college, and may delegate its power to the president and other officers by appropriate action, except that the corporation may not sell or mortgage any of its real property, and may not change the location of the college, without the consent of the governing presbyteries.

Executive committee.

Sec. 5. That the board of trustees may appoint an executive committee of such members as it may designate, which committee shall, when the board of trustees is not in session, exercise all the powers and duties of the said board:

Proviso: minutes.

Provided, that the said committee shall keep full and accurate minutes of its proceedings, which shall be submitted to the next meeting of the board.

College to be maintained.

Sec. 6. That the said corporation shall maintain and conduct, at some place in North Carolina, a college of high grade for the education of women; and the faculty of the college, with the advice and consent of the board of trustees, shall have power to confer all such degrees and marks of distinction as are usually conferred by colleges and universities.

Degrees and marks of distinction.

Trustees not individually liable.

Sec. 7. That the trustees shall not be individually liable for the debts of the corporation.

By-laws.

Sec. 8. That the board of trustees shall have power to make by-laws for the government of the corporation and for the management of the college, and may therein fix the number constituting a quorum and prescribe all other rules and regulations which may seem proper, and which are not inconsistent with law.

Property to vest in trustees.

Sec. 9. That all property of every kind, both real and personal, now standing in the name of the trustees of Red Springs Seminary, or in the name of the trustees of the Southern Presbyterian College and Conservatory of Music, shall, by this act, and without further transfer, belong to and the title thereto be vested in this corporation.

Officers of corporation.

Sec. 10. That the officers of the corporation shall be a president, vice-president, treasurer and secretary, and the trustees hereinbefore provided for.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 122.

AN ACT TO AUTHORIZE THE TRUSTEES OF CHRIST'S EVANGELICAL LUTHERAN CHURCH, OF ROWAN COUNTY, TO DISINTER, REMOVE AND RE-INTER THE DEAD BODIES BURIED IN THE OLD GRAVE-YARD OF THAT CHURCH.

The General Assembly of North Carolina do enact:

Bodies to be removed.

Section 1. That the trustees of the congregation of Christ's Evangelical Lutheran Church are hereby authorized to disinter, remove and re-inter all or any of the dead bodies now buried, or which may be buried hereafter, in the old grave-yard of that church, in or near Spencer, Rowan County; and that the authority hereby conferred shall be due process of law for such removal.

Re-interment.

Sec. 2. That every such body so removed shall be carefully re-buried in some other suitable place or cemetery.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 123.

AN ACT TO AMEND THE CHARTER OF THE GASTONIA COTTON MANUFACTURING COMPANY.

The General Assembly of North Carolina do enact:

Issue of preferred stock authorized.

Section 1. That the Gastonia Cotton Manufacturing Company, a corporation organized under the laws of the State of North Carolina, having a paid capital of two hundred thousand dollars, and having its manufacturing plant and principal office in Gastonia, in Gaston County, North Carolina, be and it is hereby authorized and empowered, upon the surrender by its stockholders of one-half of their holdings of the capital stock, to-wit, upon the surrender and cancellation of one hundred thousand dollars of its capital stock, to issue and sell one thousand shares of preferred stock of the par value of one hundred dollars each, which preferred stock may be subject to redemption at not less than par, at a fixed time and price, to be expressed in the certificate thereof; and the holders of such preferred stock shall be entitled to receive, and the said corporation shall be bound to pay thereon, a fixed yearly dividend, to be expressed in the certificates, payable quarterly, half yearly or yearly, and such dividends may be made cumulative. Upon the dissolution or liquidation of said corporation the holders

Dividends on preferred stock.

Payment of preferred stock.

of such preferred stock shall receive payment in full of their stock, together with all accrued dividends, out of the assets of such corporation, before the holders of the common or general stock shall be paid anything.

Holders of preferred stock not to participate in management.

Sec. 2. The board of directors of said corporation may, before issuing such preferred stock, provide in a by-law that the holders or owners of such preferred stock shall not have the right to cast any vote in the meetings of its stockholders, or otherwise participate in the management of the business of the corporation.

Bonds in lieu of preferred stock.

Sec. 3. That said corporation, in case it shall decide not to issue such preferred stock, may issue and sell one hundred thousand dollars of its bonds, to run for such time as it may fix, bearing interest at the rate of six per centum per annum, payable quarterly, semi-annually or annually, as may be agreed, with or without interest coupons attached, and secure the payment of such bonds by a mortgage or deed of trust upon its property, both real and personal.

Interest.

Mortgage or deed of trust.

Corporate rights and powers not abridged.

Sec. 4. That this act shall not be so construed as to abridge the rights, powers and privileges now enjoyed and possessed by said corporation, nor so as to restrict any of its powers or rights.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 124.

AN ACT TO INCORPORATE THE TOWN OF STOUT, IN UNION COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Stout, in the county of Union, be and the same is hereby incorporated by the name and style of Stout, and shall be subject to all provisions of law now in force in relation to incorporated towns.

Corporate name.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at J. S. Harkey's place; thence northwest course to W. C. Ritch's place; thence an east course to J. T. Hargett's place; thence a southeast course to R. M. Haywood's place; thence a southerly direction to F. M. Yandle's place; thence a southwest course to J. S. Harkey's, the beginning, and including all the above named places and all territory within said boundary line.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable and such other police officers as the commissioners of said town may think advisable to elect;

and said commissioners may elect and appoint a secretary and treasurer, both of which offices may be combined in one and the same person.

Sec. 4. That there shall be an election held for mayor and three commissioners on the first Monday in May, one thousand nine hundred and seven, and every two years thereafter, under the rules and regulations as are now prescribed by law for governing elections for cities and towns: *Provided*, the county commissioners for said county shall order the first election and appoint registrars and judges for said election and declare the result of same. Town elections. Proviso: first election.

Sec. 5. That officers elected at time and place above mentioned shall hold their offices until their successors are elected and qualified; and the said commissioners shall have power to pass ordinances for the government of said town, but it shall be unlawful for said commissioners to grant license for selling intoxicating liquors or beverages in said town. Term of officers. Ordinances. Sale of liquors forbidden.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 125.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE FLETCHER SPECIAL TAX SCHOOL DISTRICT, IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the special tax school district of Fletcher (District Number Two, Hoopers Creek Township), Henderson County, shall be and is hereby constituted a graded school district. Graded school district established.

Sec. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded school interests and property in the said graded school district; shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall elect their own chairman and secretary for terms of two years each; employ and fix the compensation of teachers, and do all other acts and things that may be lawful and just to conduct and manage the graded school interests in said graded school district: *Provided*, all children resident in the said graded school district, between the ages of six and twenty-one years, shall be admitted into the said graded school free of tuition charges: *Provided further*, that the said trustees may receive as students non-resident children, upon the payment of reasonable tuition charges to be fixed by said trustees: *Provided further*, that the said trustees shall allow such credits Powers and duties of trustees. Proviso: free tuition. Proviso: non-resident pupils.

Proviso: allowance to parents of non-resident pupils.

to the parents and guardians of non-resident children attending said school as they may think just and meritorious, on account of school taxes paid on property in said district by said parents and guardians: *Provided further*, that the said trustees may, in their discretion, charge a reasonable tuition for teaching any branches of study of a higher grade than those prescribed by the Legislature, or which may hereafter be so prescribed, to be taught in the public schools of the State.

Proviso: tuition in higher grades.

Trustees named.

Sec. 3. Frank Smith, C. D. Cushing, H. M. Roberts, P. B. Cunningham, J. C. Lanning and J. C. Byers are hereby appointed trustees for the said graded school of the said Fletcher Graded School District, and they shall meet, qualify and organize within thirty days after the ratification of this act. As soon as the said trustees shall have qualified, they shall divide themselves by lot into three classes, the first class to be composed of two members, the second class of two members and the third class of two members. The members of the first class shall hold their office for a term of six years, the members of the second class for a term of four years and the members of the third class for a term of two years. At the end of each succeeding two years, the county board of education, upon the recommendation of a majority of the board of trustees, shall appoint two trustees to succeed the two whose terms then expire. Members of the board of trustees shall be appointed for a term of six years. Vacancies caused by death, removal, failure to qualify, or any other cause, shall be filled by the board of trustees of said graded school. All acts and things herein authorized to be done by said board of trustees may be done by a quorum thereof.

To meet and organize. Trustees to be classified.

Appointment of successors.

Term.

Vacancies.

Quorum.

Special tax heretofore levied.

Sec. 4. That the moneys arising from the special taxes heretofore levied and collected for the purpose of running a public school in said graded school district shall be levied and collected in the manner prescribed in the general school law of the State, and placed to the credit of the said board of trustees heretofore named; and the said board of trustees shall each year, on or before the first day of June, notify the county commissioners of the levy on property and polls desired to be made for that year, and the said board of county commissioners shall be bound to levy the amount asked for by the said board of trustees on property and polls: *Provided*, that the sum levied as special taxes shall never exceed thirty cents on the one hundred dollars' worth of property and ninety cents on the poll, as provided in the general school law and authorized by special election in said graded school district.

Trustees to notify county commissioners.

County commissioners to levy tax.

Proviso: rate.

Apportionment from general school fund.

Sec. 5. The moneys which shall from time to time be apportioned under the general school law to the public school in said Fletcher Graded School District, shall be placed to the credit of the school trustees provided for in this act.

Sec. 6. It shall be the duty of the said school trustees to use the money coming into their hands to the best advantage, in order to have the longest possible term of school each year in the said graded school district: *Provided*, that the term of school shall not be less than six months nor more than nine months in any one school year. Trustees to expend money. Proviso: length of term.

Sec. 7. The said school trustees shall make an annual report to the Board of Education of Henderson County of the receipts and disbursements of all school funds under their control; and they shall also make all reports to the said board of education as now required, or which may hereafter be required, of the public school committeemen of the various public school districts of the county. Annual report

Sec. 8. The school trustees hereby created shall be a body corporate by the name and style of The Trustees of the Fletcher Graded School, and by that name shall be capable of receiving gifts and grants, or purchasing and holding real and personal estate, or selling, mortgaging and transferring the same for school purposes; of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said trustees shall be to them and their successors in office. Trustees incorporated.

Sec. 9. The Board of Education of Henderson County are hereby constituted and directed to transfer, by the execution of proper deeds of conveyance, all public school property, both real and personal, of every description, now belonging to the public school hereby constituted a graded school district, to the trustees of the Fletcher Graded School, as heretofore specified. Property to be transferred.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 126.

AN ACT TO ENABLE THE TOWN OF LAURINBURG TO FUND ITS OUTSTANDING INDEBTEDNESS CONTRACTED FOR NECESSARIES, AND TO AUTHORIZE THE LEVY AND COLLECTION OF TAXES TO MEET SAME.

Whereas, the town of Laurinburg has contracted for necessary expenses an indebtedness of about fifty-five thousand dollars, and the said town desires to issue bonds for the funding of said debt, both bonded and floating, not to exceed fifty-five thousand dollars, and desires authority to levy and collect taxes to pay the interest on same and provide a sinking fund for the payment of said bonds when the same shall become due: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Commissioners of the Town of Laurinburg be and they are hereby empowered and authorized to issue coupon bonds in denomination of one thousand dollars each

Amount.

par value, and not to exceed a total of fifty-five thousand dollars

Interest.

par value, bearing interest at not more than six per centum per annum, payable semi-annually, for the purpose of funding the outstanding indebtedness of the town of Laurinburg, both bonded and floating; being seven thousand dollars outstanding bonded indebtedness on account of electric-light construction, and three thousand dollars floating debt on same for construction; the rest and residue of the outstanding indebtedness being for water-works

Maturity.

and sewerage. The bonds herein authorized shall become due, two of them ten years after date of issue, and two of them each year thereafter, until all shall have become due; and those coming due more than twenty years after date of issue may bear the option on the part of said town to redeem them at their par value, with all accrued interest, said option to be expressed on the face of said

Form of bonds.

bonds, if so reserved to the town. Said bonds shall be of a form

How attested.

approved by the board of commissioners of said town, and shall be attested by the signature of the mayor and treasurer of said town, and sealed with the corporate seal thereof; the coupons shall be attested by the lithograph fac-simile signature of the

Bonds not to be sold below par. Application of proceeds.

mayor of said town. No bond shall be sold for less than par and accrued interest, and the funds arising from the sale of same shall be applied to the settlement of the outstanding debts of said town for the necessary expenses thereof as set out, and for no other purpose; but the purchaser thereof shall not be in any way bound to see to the proper application of the purchase-money of said bonds.

Ordinance of issue.

Sec. 2. That the ordinance or resolution authorizing the issue of said bonds may be introduced and passed at any regular or special meeting of the board of commissioners, upon a majority vote of the commissioners present at such meeting, and no further proceeding shall be necessary for the issuing of said bonds; and all bonds issued in accordance with the provisions of this act shall be valid and legally binding obligations of said town, notwithstanding any previous acts limiting the amount of bonded indebtedness of said town or otherwise; and all laws and clauses of laws inconsistent with this act are hereby repealed in so far as same are

Proviso: ordinance to limit issue.

inconsistent with this act: *Provided further*, that no ordinance shall be necessary further than merely to limit the amount of bonds to be issued under authority given under this act.

Special tax for interest.

Sec. 3. That the board of commissioners of said town of Laurinburg are hereby required and directed to levy and collect, in addition to all other taxes in said town, a tax upon all taxable property and polls of said town sufficient to pay the interest on said principal of said bonds as same becomes due, and also, on or before

the time when the principal of said bonds shall become due, to levy and collect a further special tax to pay for same, or to provide for the payment thereof. The tax levied upon property shall be upon *ad valorem* valuation, and the tax upon property and polls shall be in that proportion required by the Constitution of the State of North Carolina. Said special tax shall be levied at the same time and collected as other taxes upon property and polls are collected by said town. Special tax for bonds.

Sec. 4. That said bonds may be sold at public or private sale, as the commissioners deem best, after having offered same for sale by advertisement in some newspaper published in the county of Scotland, in which such advertisement shall be inserted not less than four weeks, once a week. Advertisement of sale.

Sec. 5. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 127.

AN ACT AUTHORIZING THE WILKESBORO AND JEFFERSON TURNPIKE TO BE AMENDED AND CONVERTED INTO A STEAM OR ELECTRIC RAILROAD.

Whereas, the State of North Carolina has about sixty thousand dollars of stock in the Wilkesboro and Jefferson Turnpike Company; and whereas, said company, pursuant to the charter granted by chapter two hundred and forty-one of the Private Laws of one thousand eight hundred and ninety-nine, and as amended by chapter two hundred and eighty-six of Private Laws of one thousand nine hundred and one, has nearly completed a turnpike road from Wilkesboro, North Carolina, to Jefferson, North Carolina: Now, therefore, in order that the stock held by the State of North Carolina may be made of more value to the State of North Carolina, and in order that the counties of Ashe, Watauga and Alleghany may have an outlet into and be more closely identified with the other part of the State of North Carolina: be it therefore resolved: Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That when the Wilkesboro and Jefferson Turnpike road is completed to Jefferson, then the Wilkesboro and Jefferson Turnpike Company, by and with the consent of the Governor of the State of North Carolina and the Council of State, be and the same is hereby authorized to retain and use the convicts of the State of North Carolina, not otherwise appropriated, the number not to be less than fifty nor more than one hundred, to make such alterations, changes or amendments in said road as will shorten Convict labor to be retained.

and make practicable the bed of said turnpike road for either a steam or electric railroad, upon the same terms and conditions as are now provided for in the charter of the said Wilkesboro and Jefferson Turnpike Company for the grading and construction of said turnpike road.

Transfer of State's stock authorized.

Sec. 2. That the Governor of the State of North Carolina, by and with the consent of the Council of State, be and he is hereby authorized and fully empowered to sell, lease, convey or transfer the stock held by the State of North Carolina in said Wilkesboro and Jefferson Turnpike Company, and the said Turnpike Company is authorized to lease, sell or transfer said Wilkesboro and Jefferson Turnpike road or any part thereof, with all rights, privileges and appurtenances incident thereto, to any individual or individuals, company or corporation that will utilize the same for a steam or electric railroad, upon such terms and conditions as said Wilkesboro and Jefferson Turnpike Company may deem best: *Provided*, always, that any lease, sale or transfer of said turnpike road shall first be approved by the Governor and Council of the State of North Carolina: *Provided further*, that the stock held by the State of North Carolina in said Turnpike Company shall be disposed of to a person or persons, company or corporation, first, for the purpose of constructing and operating a steam railroad, if possible; but if not, to any person or persons, company or corporation that will construct and operate an electric railroad.

Lease, sale or transfer of road authorized.

Proviso: lease, sale or transfer to be approved by governor and council.

Proviso: transfer of State's stock.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 128.

AN ACT TO INCORPORATE CAROLINA METHODIST COLLEGE.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That M. Bradshaw, A. P. Tyre, W. N. Everett, W. H. Neal, O. T. Goodwin, W. H. Humphrey, W. J. Upchurch, W. B. Cooper, A. S. Thompson, J. B. Skulkin, C. C. Lyon, J. F. L. Armfield, H. L. Godwin, F. A. Daniels, G. T. Adams, F. A. Woodard, T. A. Green, J. A. Green, J. E. Underwood, Euclid McWhorter, A. J. McKinnon, Edgar W. Smith, L. T. Cottingham, J. W. Carter and S. E. Mercer, and their associates and successors, are hereby created a body corporate and politic, by the name and style of the

Corporate name.

Carolina Methodist College, for the purpose of maintaining a school for females in the town of Maxton, Robeson County, North Carolina; and by such name may acquire, hold and convey real and personal estate; may sue and be sued, plead and be impleaded, in any of the courts of this State; may contract and be contracted with, and enjoy any and every right and privilege incidental and belonging to corporation bodies according to the laws of this State.

Officers.

Sec. 2. That the officers of said college shall be a president, vice-president, secretary and treasurer, to be elected among themselves as hereinafter provided; that the officers elected at a former meeting of the trustees herein named shall hold their offices until their successors are elected.

Present officers continued.

Trustees classified.

First class.

Second class.

Third class.

Sec. 3. That the trustees shall be divided into three classes. The first class, consisting of M. Bradshaw, A. P. Tyre, W. N. Everett, W. H. Neal, O. T. Goodwin, W. H. Humphrey, W. J. Upchurch and W. B. Cooper, shall hold two years from January first, one thousand nine hundred and seven. The second class, consisting of A. S. Thompson, J. B. Skulkin, C. C. Lyon, J. F. L. Armfield, H. L. Godwin, F. A. Daniels, G. T. Adams and F. A. Woodard, shall hold four years from January first, one thousand nine hundred and seven. The third class, consisting of T. A. Green, J. A. Green, J. A. Underwood, Euclid McWhorter, A. J. McKinnon, Edgar W. Smith, L. T. Cottingham, J. W. Carter and S. E. Mercer, shall hold six years from January first, one thousand nine hundred and seven.

Election of successors.

Sec. 4. That the remaining members of the said trustees shall elect successors to the various classes at the expiration of the terms as classified in section three (3) of this act.

By-laws.

Sec. 5. That at their regular meetings the trustees shall have power to make such by-laws, not inconsistent with the laws of this State, as shall be deemed necessary to promote the objects of the corporation.

Trustees not individually liable.

Sec. 6. That the trustees of this corporation shall not be individually liable for any debts contracted by the corporation.

Degrees and marks of honor.

Sec. 7. That the faculty and trustees shall have the power of conferring such degrees and marks of honor as are conferred by colleges and universities generally; and that five trustees shall be a quorum to transact business.

Quorum of trustees.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 129.

AN ACT TO INCORPORATE THE GRAHAM COLLEGIATE INSTITUTE.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That T. S. Davis, C. M. Levister, L. W. Nelson, J. A. Hudson, W. J. Plint, D. D. Baily, W. Q. A. Graham, W. H. Luther, and Stephen M. Davis, and their associates and successors, shall be a body politic and corporate under the name and style of the

Corporate name.

Graham Collegiate Institute, and under such name and style shall have perpetual existence, and are hereby invested with all the property and property right which now belongs to the said institution, in trust, that said property shall be used for the purposes herein described.

Purpose of corporation.

Sec. 2. That the purpose of this corporation shall be the education of the youth of both sexes, and its operations shall be carried on under the direction of the Methodist Episcopal Church through its constituted authority.

Principal office.

Sec. 3. That the principal office of the corporation shall be at

Dependent and affiliated schools.

Marshallberg, Carteret County, North Carolina, but the corporation shall have power to establish dependent and affiliated schools of primary or academic grade at any place within the bounds of the Atlantic Mission Conference of the Methodist Episcopal Church, such schools to be integral parts of the Graham Collegiate Institute.

Right to hold property.

Sec. 4. That such corporation is authorized to receive and hold, by gift, devise, purchase or otherwise, property, real and personal, to be held for the use of said institution and its dependent and affiliated schools, or for the use of either or both (as may be designated in the conveyance or will), to a value not exceeding in the aggregate the sum of one million dollars. The said corporation shall have power to sue and be sued, and plead and be impleaded, and to transact such business and engage in such commercial or industrial pursuits as may be needful for the maintenance and prosecution of the work of the institution.

Trustees.

Sec. 5. That the trustees shall be nine in number and shall be

Election of trustees.

elected by the Atlantic Mission Conference of the Methodist Episcopal Church, or its successor in the territory now occupied by

Proviso: board of trustees to recommend trustees.

the said conference: *Provided*, that no person shall be elected a trustee until he has first been recommended by the board of trustees at a regular meeting. The said trustees shall have power to remove any member of their body who may refuse or neglect to

Term of trustees.

discharge the duties of a trustee. The term of office of the trus-

Trustees classified.

tees shall be three years, and they shall be so arranged that three

Vacancies.

trustees shall be elected every year. Should there exist a vacancy by death, resignation or otherwise, of any trustee, the same shall be filled for the unexpired term by the board of trustees.

Officers.

Sec. 6. That the said corporation shall be under the supervision, management and government of a president and such other persons as the said trustees may appoint; the said president, with the advice of the other persons so appointed, shall from time to time make all needful rules and regulations for the internal government of the said institution, and prescribe the preliminary examinations and terms and conditions on which pupils will be received and instructed.

Rules, regulations and by-laws.

Sec. 7. That the trustees shall have power to make such rules, regulations and by-laws, not inconsistent with the Constitution of the United States and of this State, as may be necessary for the good government of the institution and the management of the property and funds of the same.

Powers of trustees.

Sec. 8. That the trustees shall have power to fix the time of holding their annual and other meetings; to elect a president and professors for said institution and affiliated schools; to appoint an executive committee of five members, which committee shall control the internal regulations of the institution and fix the salaries and emoluments; and to do all other things necessary for an institution of learning, not inconsistent with the laws of this State and of the United States.

Degrees and marks of honor.

Sec. 9. That the faculty and trustees shall have the power of conferring such degrees and marks of honor as are conferred by institutions of similar grade, and that five trustees shall be a quorum to transact business.

Quorum of trustees.

When act effective.

Sec. 10. That this act shall be in force from and after its ratification and acceptance by the board of trustees.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 130.

AN ACT FOR THE RELIEF OF JACK PARKER, COLORED.

The General Assembly of North Carolina do enact:

To be paid for teaching school.

Section 1. That the Board of Education of Stanly County are hereby authorized to pay to Jack Parker, colored, twenty-four dollars and twenty cents, for services rendered as public-school teacher in the Harris Township, District Number One, colored, Stanly County.

To be paid from funds of district number two, colored, in Harris township.

Sec. 2. That said twenty-four dollars and twenty cents shall be paid out of the funds of District Number Two (2), colored, in Harris Township, Stanly County.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 131.

AN ACT TO AMEND CHAPTER 115, SECTION 5, OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1899.

The General Assembly of North Carolina do enact:

Section 1. That section five of chapter one hundred and fifteen of the Private Laws of one thousand eight hundred and ninety-nine be amended by adding at the end of section five the following words, to-wit: "That whenever any alderman elected in any ward in said town shall remove from the said ward, from which he was elected, to any other ward within the said town, to permanently reside therein, it shall be his duty to resign as alderman from the said ward, and upon his failure to do so, the said board of aldermen shall, at its next regular meeting, declare said office of alderman from the said ward vacant, and proceed at once to elect from the said ward a successor for said alderman so resigned or removed from said ward."

Alderman removing from ward to vacate office.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 132.

AN ACT TO INCORPORATE FORNEY'S CREEK BAPTIST CHURCH, IN SWAIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That W. B. Cole, Thomas Allen, A. J. Monteith and E. C. Monteith, deacons of Forney's Creek Baptist Church, in the county of Swain and State of North Carolina, their successors and associates in said office of deacons of said church, are hereby incorporated and declared a body politic under the name and style of Forney's Creek Baptist Church, of Swain County, North Carolina, with the right to sue and be sued, plead and be impleaded.

Corporate name.

Power to hold property.

Sec. 2. That the said incorporators, their successors and associates as aforesaid, are hereby vested with the right to hold in their corporate name, for the benefit of said church, all property, both real and personal, now belonging to said church, or that may be donated, devised or bequeathed to said church, or purchased by them for the use and benefit of said church; and to sell and dispose of the same, together with the property herein vested in them, at pleasure, and to purchase other property in its place for the use and benefit of said church.

Sec. 3. That it shall be unlawful for any person or persons to manufacture, sell or give way any vinous, malt or other intoxicating liquors within a radius of three miles of said church. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court. Manufacture, sale or gift of liquors forbidden. Misdemeanor. Punishment.

Sec. 4. That it shall be unlawful for any person or persons to disturb the peace of the people assembling in said territory for the purpose of holding religious services of any kind, or for any other legal purpose, by acting in a rude or boisterous manner, or by singing vulgar or impure songs, or by using obscene or profane language, or by being under the influence of intoxicating liquors, so as to become a nuisance. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. Disorderly conduct or drunkenness forbidden. Misdemeanor. Punishment.

Sec. 5. That this act shall take effect and be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 133.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE PLEASANT HILL SPECIAL TAX SCHOOL DISTRICT, IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the special tax school district of Pleasant Hill (District Number Two, Hendersonville Township), Henderson County, shall be and is hereby constituted a graded school district. Graded school district.

Sec. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded school interests and property in the said graded school district; shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall elect their own chairman and secretary for terms of two years each; employ and fix the compensation of teachers, and do all other acts and things that may be just and lawful to conduct and manage the graded school interests in said graded school district: *Provided*, all children resident in the said graded school district, between the ages of six and twenty-one years, shall be admitted into said graded school free of tuition charges: *Provided further*, that the said trustees may receive as students non-resident children, upon the payment Powers of trustees. Proviso: free tuition. Proviso: non-resident pupils.

Proviso: credit allowed parents of non-resident pupils.

of reasonable tuition charges to be fixed by said trustees: *Provided further*, that the said trustees shall allow such credits to the parents and guardians of non-resident children attending said school as they may think just and meritorious on account of school taxes paid on property in said district by said parents and guardians: *Provided further*, that said trustees may, in their discretion, charge a reasonable tuition for teaching any branches of study of a higher grade than those prescribed by the Legislature to be taught in the public schools of the State.

Proviso: tuition for higher grades.

Trustees named.

Sec. 3. F. C. Abbott, W. A. Merrill, G. A. Hefner, A. H. Capps, L. C. Patterson and Will Drake are hereby appointed trustees for the said graded school of the said Pleasant Hill Graded School District, and they shall meet, qualify and organize within thirty days after the ratification of this act. As soon as the said trustees have qualified they shall divide themselves by lot into three classes, the first class to be composed of two members, the second class of two members and the third class of two members. The members of the first class shall hold their office for a term of six years, the members of the second class for a term of four years and the members of the third class for a term of two years. At the end of each succeeding two years the county board of education, upon the recommendation of a majority of the board of trustees, shall appoint two trustees to succeed the two whose terms then expire. Members of the board of trustees shall be appointed for a term of six years. Vacancies caused by death, removal, failure to qualify or any other cause shall be filled by the board of trustees of said graded school. All acts and things herein authorized to be done by said board of trustees may be done by a quorum thereof.

To meet and organize.

Trustees classified.

Terms of office.

Vacancies.

Quorum.

Special tax.

Sec. 4. That the moneys arising from the special taxes heretofore levied and collected for the purpose of running the public school in said graded school district shall be levied and collected in the manner prescribed in the general school law of the State, and placed to the credit of the said board of trustees heretofore named; and the said board of trustees shall each year, on or before the first day of June, notify the county commissioners of the levy on property and polls desired to be made for that year, and the said board of county commissioners shall be bound to levy the amount asked for by the said board of trustees on property and polls: *Provided*, that the sum levied as special taxes shall never exceed thirty cents on the one hundred dollars' worth of property and ninety cents on the poll, as provided in the general school law and authorized by special election in said graded school district.

Trustees to notify county commissioners.

County commissioners to levy tax.

Proviso: tax rate.

Apportionment from general school fund.

Sec. 5. The moneys which shall from time to time be apportioned under the general school law to the public school in said Pleasant Hill Graded School District shall be placed to the credit of the school trustees provided for in this act.

Sec. 6. It shall be the duty of the said school trustees to use the moneys coming into their hands to the best advantage, in order to have the longest possible term of school each year in the said graded school district: *Provided*, that the term of school shall not be less than five months nor more than nine months in any one school year. Expenditures. Proviso: length of terms.

Sec. 7. The said school trustees shall make an annual report to the Board of Education of Henderson of the receipts and disbursements of all school funds under their control; and they shall also make all reports to the board of education as now required, or which may hereafter be required, of public school committeemen of the various public school districts. Reports.

Sec. 8. The school trustees hereby created shall be a body corporate, by the name and style of The Trustees of the Pleasant Hill Graded School, and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, or selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said trustees shall be to them and their successors in office. Trustees incorporated. Corporate name.

Sec. 9. The Board of Education of Henderson County are hereby authorized and directed to transfer, by the execution of proper deeds of conveyance, all public school property, both real and personal, of every description, now belonging to the public school in the territory hereby constituted a graded school district, to the Trustees of the Pleasant Hill Graded School, as heretofore specified. Property transferred to trustees.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 134.

AN ACT TO EMPOWER THE MOORE'S CREEK MONUMENTAL ASSOCIATION TO PRESERVE ORDER AND TO PROTECT PERSONS AND PREMISES.

The General Assembly of North Carolina do enact:

Section 1. Whereas, the Moore's Creek Monumental Association has no source of revenue to pay for music, to employ special deputy sheriffs, and other incidental expenses incurred on the days of celebrations and picnics, except to rent out places or Hucksters to obtain license.

stands to procure the same; therefore, it shall be unlawful for any person or persons to sell or to expose for sale within one-half mile of the monument, on these occasions, any of the so-called temperance drinks, fruits, ice-cream, coffee, cigars, or to serve meals or edibles, by whatever name or nature, without first obtaining a license from said association.

Police power.

Sec. 2. That the association shall have full police power to mark and post with plain lettering all such places where vehicles, including all modes of conveyance, shall not be left; also where horses, mules and other teams shall not be fastened or hitched.

Appointment of deputy sheriff.

Sec. 3. That the committee of arrangements appointed annually by the association shall have power to appoint for each public occasion a deputy sheriff, who shall go before some competent justice of the peace of Pender County, who shall swear him as to his duties, and give to him a certificate of such facts; and he shall then have on such occasions full power to act as other sheriffs.

Violation of act a misdemeanor. Punishment.

Sec. 4. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar or more than twenty-five dollars, or imprisoned not less than five days or more than thirty days.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 135.

AN ACT FOR THE RELIEF OF W. T. BRYANT AND MISS OLIVE ANDERSON, PUBLIC-SCHOOL TEACHERS OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

W. T. Bryant to be paid balance.

Section 1. That the Treasurer of Caswell County be and he is hereby directed to pay to W. T. Bryant the sum of twelve dollars and twenty-five cents out of the school funds now in his hands or that may come into his hands to the credit of District Number Twenty-nine for the white race, in Milton Township, in said county; said sum being balance due for teaching in said district in the year one thousand nine hundred and five.

Miss Olive Anderson to be paid balance.

Sec. 2. That said treasurer is likewise hereby authorized and directed to pay to Miss Olive Anderson the sum of six dollars and twenty-five cents out of the school funds now in his hands or that

may come into his hands to the credit of District Number Forty-one for the white race, in Yanceyville Township, in said county; said sum being balance due her for teaching in said district in the year one thousand nine hundred and five.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 136.

AN ACT TO EXTEND THE POLICE JURISDICTION OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That section thirty-six of chapter two hundred and thirty-eight of Private Laws of one thousand eight hundred and ninety-one be and the same is hereby amended by inserting after the word "offenders," in the twenty-fourth line of said section, the following words, to-wit: "And the jurisdiction of said police force, so vested in them, shall extend one (1) mile beyond the corporate limits of the city of High Point, in every direction." Jurisdiction of police force.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 137.

AN ACT TO AMEND THE LAWS OF 1901 AND 1905, RELATIVE TO THE EAST BEND GRADED SCHOOL DISTRICT, IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter seven hundred and thirty of the Public Laws of one thousand nine hundred and five be and the same is hereby amended by inserting after the word "ninety-five," in line one thereof, and before the word "laws," in line two thereof, the word "private." Law specified.

Sec. 2. That section one of chapter ninety-five of the Private Laws of one thousand nine hundred and one, as amended by chap-

ter seven hundred and thirty of the Public Laws of one thousand nine hundred and five, be further amended by adding at the end thereof the following: "That the Board of County Commissioners of Yadkin County shall order an election in the new territory described in section one of chapter seven hundred and thirty of the Public Laws of one thousand nine hundred and five, amending section one of chapter ninety-five of the Private Laws of one thousand nine hundred and one, on Tuesday, May seventh, one thousand nine hundred and seven. Said board of county commissioners shall give thirty days' notice of said election at two public places in said territory; shall designate one polling place in said territory; shall appoint a registrar, who shall register all qualified voters in said territory according to law; shall appoint two qualified voters residing in said territory as poll-holders, who, together with said registrar, shall hold said election at the polling place designated, and shall canvass the returns and declare the result and certify the same to the board of county commissioners, who shall have said returns of said election recorded in the office of the register of deeds in Yadkin County. At said election the question of levying on all polls and property in said territory a special tax for school purposes, of same rate as that now levied on all polls and property for the same purpose in the territory embraced in the other part of the East Bend Graded School District, shall be submitted to the vote of the qualified voters in said new territory; and those favoring the levying of such tax shall vote a ballot on which shall be printed or written 'For School Tax,' and those opposed shall vote a ballot on which shall be printed or written 'Against School Tax.' If a majority of the qualified voters shall cast their votes 'For School Tax,' then the same tax as is now levied on all polls and property in the East Bend Graded School District for the support of the public schools thereof shall be levied and collected on all polls and property for the same purpose, in the same manner, at the same time and by the same officers in said territory in which said election is held; and the funds arising from said tax shall be paid over to the treasurer of said East Bend Graded School District; and said territory shall be added to and constitute a part of said East Bend Graded School District, and all children of school age residing in said territory shall be entitled to all the privileges of the public schools conducted in the East Bend Graded School District in all respects as are other children of school age residing in said district."

County commissioners to order election.

Date of election.

Notice of election.

Polling place.

Registrar.

Judges of election.

Question to be voted on.

Form of ballots.

Election of trustees.

Sec. 3. That section three of chapter ninety-five of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by inserting in line five thereof, after the word "elected" and before the word "for," the following: "by a vote of the qualified voters of the enlarged East Bend Graded School Dis-

trict, at an election to be held at the same time and in the same manner and at the same polling places as the regular municipal elections of the town of East Bend."

Sec. 4. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 138.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON, SO AS TO PROVIDE FOR THE MAINTENANCE OF A FREE LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. It shall be the duty of the Board of Aldermen of the City of Wilmington, at its regular meeting in April, one thousand nine hundred and seven, and biennially thereafter, to elect five persons, citizens of the said city of Wilmington, two of whom shall be women, as trustees, to have control and maintain one or more free libraries for the use of the people of Wilmington. Aldermen to appoint trustees. Two of trustees to be women.

Sec. 2. The five persons so elected by the said board of aldermen shall meet together as soon as practicable after their election and organize themselves into a board of trustees, by electing one of their number chairman and another vice-chairman; and shall take full charge of all books, magazines, periodicals, maps and all other papers, desks, tables, chairs, book-cases and other furniture belonging to the city of Wilmington and now used by the free library of the said city, and manage and control the same; and shall have power to acquire by purchase, donation or otherwise books, magazines, periodicals, maps, desks, tables, chairs, book-cases and any other furniture as may be needed for the use of said free library: *Provided,* the expenditures shall not exceed the amount appropriated by the board of aldermen as hereinafter provided. The said board of trustees shall elect a suitable person to act as librarian, who shall also act as secretary of the board, and it shall have the power to make such rules and regulations for the government of the said free library as it may deem best. In case of a vacancy occurring by death or otherwise, the board shall have power to fill the same. Trustees to organize. Duties. Powers. Proviso; amount of expenditures. Librarian and secretary. Vacancies.

Sec. 3. The board of aldermen of the said city of Wilmington shall appropriate annually a sum of money for the maintenance and support of said libraries for the free use of the people of the said city, said sum to be not less than one thousand two hundred dollars or more than two thousand dollars, and shall be included Appropriation.

in the annual budget of expenses for each and every year, beginning June first, and shall be paid out on warrant signed by the chairman, or in his absence by the vice-chairman, of the said board of trustees. The board of aldermen of the said city of Wilmington shall furnish rooms for the accommodation of the said free libraries.

Rooms for library.

Sec. 4. All laws in conflict with this act are hereby repealed.

Sec. 5. This act shall go into effect from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 139.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE CRAB CREEK SPECIAL TAX SCHOOL DISTRICT, IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Graded school district.

Section 1. That the special tax school district of Crab Creek (District Number Two, Crab Creek Township), Henderson County, shall be and is hereby constituted a graded school district.

Trustees to manage and control school.

Sec. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded school interests and property in the said graded school district; shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall elect their own chairman and secretary for terms of two years each, employ and fix the compensation of teachers, and do all other acts and things that may be just and lawful to conduct and manage the graded school interests in said graded school district: *Provided*, all children resident in the said graded school district, between the ages of six and twenty-one years, shall be admitted into the said graded school free of tuition charges: *Provided further*, that the said trustees may receive as students non-resident children upon the payment of reasonable tuition charges to be fixed by said trustees: *Provided further*, that the said trustees shall allow such credit to the parents and guardians of non-resident children attending said school as they may think just and meritorious on account of school taxes paid on property in said district by said parents and guardians: *Provided further*, that said trustees may, in their discretion, charge a reasonable tuition for teaching any branches of study of a higher grade than those prescribed by the Legislature, or which may hereafter be so prescribed, to be taught in the public schools of the State.

Proviso: free tuition.

Proviso: non-resident pupils.

Proviso: credits to parents of non-resident pupils.

Proviso: tuition in higher grades.

Trustees named.

Sec. 3. Manson Hamilton, F. B. McCall, J. A. McCall, W. O. Hamilton, J. T. Anderson and Elisha Osteen are hereby appointed trustees for the said graded school of the said Crab Creek Graded School District, and they shall meet, qualify and organize within thirty days after the ratification of this act. As soon as the said trustees shall have qualified, they shall divide themselves by lot into three classes, the first class to be composed of two members, the second class of two members and the third class of two members. The members of the first class shall hold their offices for a term of six years, the members of the second class for a term of four years and the members of the third class for a term of two years. At the end of each succeeding two years the county board of education, upon the recommendation of a majority of the board of trustees, shall appoint two trustees to succeed the two whose terms then expire. Members of the board of trustees shall be appointed for a term of six years. Vacancies caused by death, removal, failure to qualify or any other cause shall be filled by the board of trustees of said graded school. All acts and things herein authorized to be done by said board of trustees may be done by a quorum thereof.

To meet, qualify and organize.

To be classified.

Terms of office.

Successors.

Vacancies.

Quorum.

Taxes to be levied and collected.

Sec. 4. That the moneys arising from the special taxes heretofore levied and collected for the purpose of running the public school in said graded school district shall be levied and collected in the manner prescribed in the general school law of the State, and placed to the credit of the said board of trustees heretofore named; and the said board of trustees shall each year, on or before the first day of June, notify the county commissioners of the levy on property and polls desired to be made for that year, and the said board of county commissioners shall be bound to levy the amount asked for by the said board of trustees on property and polls: *Provided*, that the sum levied as special taxes shall never exceed thirty cents on the one hundred dollars' worth of property and ninety cents on the poll, as provided in the general school law and authorized by special election in said graded school district.

Trustees to notify county commissioners.

County commissioners to levy tax.

Proviso: rate.

Apportionment from general school fund.

Sec. 5. The moneys which shall from time to time be apportioned under the general school law to the public school in said Crab Creek Graded School District shall be placed to the credit of the school trustees provided for in this act.

Trustees to use money.

Sec. 6. It shall be the duty of the said school trustees to use the moneys coming into their hands to the best advantage, in order to have the longest possible term of school each year in the said graded school district: *Provided*, that the term of school shall not be less than five months nor more than nine months in any one school year.

Proviso: length of term.

Reports of trustees.

Sec. 7. The said school trustees shall make an annual report to the Board of Education of Henderson County of the receipts and disbursements of all school funds under their control; and they

shall also make all reports to the said board of education as now required, or which may hereafter be required, of public school committeemen of the various public school districts.

Trustees incorporated. Corporate name. Corporate powers.

Sec. 8. The school trustees hereby created shall be a body corporate by the name and style of the Trustees of the Crab Creek Graded School, and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, or selling, mortgaging and transferring the same for school purposes; of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said trustees shall be to them and their successors in office.

Property to be conveyed to trustees.

Sec. 9. The Board of Education of Henderson County are hereby authorized and directed to transfer, by the execution of proper deeds of conveyance, all public school property, both real and personal, of every description, now belonging to the public school in the territory hereby constituted a graded school district, to the Trustees of the Crab Creek Graded School, as heretofore specified.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 140.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Boundaries of district. Name.

Section 1. That all the territory in Pasquotank County within the following boundaries, to-wit: All that portion of said county included in Elizabeth City Township and that portion of Nixonton Township which is within the corporate limits of Elizabeth City, shall be and is hereby constituted a public school district for white and colored children, to be known as Elizabeth City Graded School District.

Municipal law extended to territory.

Sec. 2. That for all the purposes and benefits of this act the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes and the holding of municipal elections in the town of Elizabeth City shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town, as fully as if the same lay within the said corporate limits; and

that in all elections which shall be held under this act that portion of said graded school district lying without said corporate limits shall be deemed a ward of said town.

Trustees authorized to issue bonds.

Sec. 3. That the board of graded school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded school district, to an amount not exceeding forty thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached, payable half yearly, at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be of such form and tenor and transferable in such way as said board of graded school trustees may determine. Said bonds shall run from ten to thirty years, and the principal thereof payable as follows: One-twentieth due and payable ten years from date of issue; one-twentieth due and payable eleven years from date of issue, and one-twentieth due and payable every year thereafter, until the whole amount has become due. Said bonds shall be made payable at such place as the said board of graded school trustees may deem advisable.

Amount and denomination.

Interest.

Maturity.

School buildings and furniture.

Sec. 4. That the proceeds arising from the sale of the said bonds, or such part thereof as may be necessary, shall be expended by the board of graded school trustees in providing, by purchase or otherwise, such graded school buildings as may be required, and in furnishing the same with school furniture and other necessary equipment.

Bonds not to be sold below par.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for less price than their par value; nor shall said bonds or their proceeds be used for any other purpose than that declared in section four of this act.

Exempt from municipal taxation.

Coupons receivable for town taxes.

Sec. 6. That said bonds and their coupons shall not be subject to taxation by the town of Elizabeth City until after they shall have become due and tender of payment has been made; and such coupons shall be receivable in payment of all taxes and public dues of said town for any fiscal year in which said coupons shall become due or thereafter; and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Special tax for bonds, interest and school.

Sec. 7. That for the purpose of providing for the payment of said bonds and interest thereon, and of defraying expenses of the public graded schools provided for in this act, the Board of Aldermen of the Town of Elizabeth City shall annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning with the first day of June, one thousand nine

hundred and seven, levy and lay a particular tax on all subjects of taxation within the limits of said graded school district on which said board of aldermen may now or hereafter be authorized to lay and levy taxes for any purposes whatsoever; said particular tax to be such percentage on all real and personal property and all other subjects of taxation as may be recommended by the board of trustees, in no case, however, to exceed forty cents on the one hundred dollars valuation of real and personal property, and not more than one and twenty-hundredths dollars on each taxable poll.

Rate to be recommended by trustees.

Limit of tax rate.

Collection of special tax.

Sec. 8. That the said taxes shall be collected by the tax collector of the town of Elizabeth City at the time and in the manner that the municipal taxes are collected, and said tax collector shall pay the same over to the treasurer of said board of trustees, and the treasurer of said board of trustees shall pay out said taxes and other funds which may come into his hands for the use of said graded schools only upon the warrant of the chairman and secretary of the said board of graded school trustees; and all accounts shall be audited and approved by the board of trustees or a committee thereof appointed for the purpose: *Provided*, that said tax collector and said treasurer shall enter into a bond for such amount as the board of trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the use and benefit of said graded schools, and that of the latter for the safe-keeping and proper disbursement of the same. And said tax collector shall be allowed not exceeding three per centum on receipts, and the said treasurer not exceeding two per centum on disbursements.

School orders.

Proviso: bonds of tax collector and treasurer.

Commissions.

Election to be called.

Sec. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of the qualified voters of said graded school district at an election to be held on a day to be designated by the Board of Aldermen of the Town of Elizabeth City, within sixty days after the ratification of this act. That said election shall be held under the general law prescribed for and governing the holding of municipal elections in North Carolina. That thirty days' notice of such election, containing a copy of the provisions of sections three and seven of this act, or a synopsis of the same, shall be published in one or more newspapers published in the town of Elizabeth City, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections. Those qualified voters approving issue of bonds provided for in section three and the levy and collection of the particular taxes provided for in section seven of this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such

Law governing election.

Notice of election.

Form of ballots.

Effect of votes.

votes shall be "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid board of graded school trustees authority to issue such bonds, and to the board of aldermen of said town authority to levy such particular tax, and said board of trustees and said board of aldermen shall have such authority; but if a majority of such qualified voters shall vote "Against Schools," then said board of trustees and said board of aldermen shall not have such authority: *Provided*, that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Elizabeth City, and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein certified: *Provided, also*, that in the event a majority of the votes cast in said election shall be against schools, then said board of aldermen may call another election under the same rules and regulations prescribed in this act for the holding of the first election; and if at said second election a majority of votes cast shall be "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid board of graded school trustees authority to issue such bonds, and to the board of aldermen of said town authority to levy such particular tax, and said board of trustees and said board of aldermen shall have such authority; but if a majority of such qualified voters shall vote against schools, then said board of trustees and said board of aldermen shall not have such authority.

Proviso: result recorded.

Proviso: successive elections.

Sec. 10. That P. H. Williams, J. C. Brooks, Dr. J. B. Griggs, J. A. Kramer, Dr. J. H. White, M. N. Sawyer, W. J. Woodley, L. S. Blades, J. B. Flora, W. H. Weatherly, J. B. Leigh, W. C. Glover, Dr. O. McMullen, E. F. Aydlett, D. B. Bradford, J. H. Sawyer, C. W. Melick, R. W. Turner and Wesley Williams shall be and are hereby constituted a board of trustees for the public schools of said graded school district. That the first six of said trustees shall hold office until the first Monday in July, one thousand nine hundred and nine; the next six shall hold office until the first Monday in July, one thousand nine hundred and eleven; the remaining number shall hold office until the first Monday in July, one thousand nine hundred and thirteen; and their successors, elected as hereinafter provided, shall hold office for the term of six years each. That the vacancies occurring by reason of the expiration of the terms of office of the trustees as aforesaid shall be filled by a majority vote of the other members of such board of graded school trustees holding over, acting in conjunction with the Board of Aldermen of the Town of Elizabeth City, and for the purpose of filling such vacancies said members

Trustees named.

Terms of office.

Election of successors.

of the board of trustees and said board of aldermen shall meet in joint session on the Monday immediately preceding the first Monday in July of each year in which any such vacancy may occur:

Proviso: vacancies.

Provided, that any and all vacancies in said board of trustees occurring by reason of death, resignation or otherwise than by expiration of term of office shall be filled by the other members of said board of trustees: *Provided*, that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, Constitution of North Carolina. Said board of trustees, immediately after the provisions of this act shall have been submitted to the qualified voters of said district as provided for in section nine, and adopted, shall meet and proceed to organize by the election of a chairman and a secretary and a treasurer.

Proviso; trustees not officers.

Trustees to organize.

Trustees incorporated.

Sec. 11. That the said board of graded school trustees and their successors shall be and they are hereby constituted a body corporate by the name and style of the Board of Graded School Trustees of the Town of Elizabeth City, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; acquire by gift, purchase or devise real and personal property; hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations; and said corporation shall have a corporate seal, which it may break and change at pleasure.

Corporate name.

Enumeration of corporate powers.

Trustees to establish graded schools.

Sec. 12. That it shall be the duty of said board of graded school trustees to establish graded schools for the white and colored children of said graded school district, and said board of trustees shall appropriate and use the funds derived from said particular taxes and from other sources in such manner as may be deemed just to both races, providing equal facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donor.

Trustees to have exclusive control of schools.

Sec. 13. That the board of graded school trustees shall have exclusive control of all public schools in said school district, free from supervision and control of the county board of school directors and the County Superintendent of Schools of Pasquotank County; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general school law of the State, an accurate census of the school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools.

Officers and teachers.

School census.

Apportionment from general school fund.

Sec. 14. That all the public school funds derived from the State and from the county of Pasquotank for the use and benefit of the public schools in said graded school district shall be paid over to the treasurer of the board of trustees hereinbefore provided for by the treasurer of said county, for the use and benefit of the graded public schools in said graded school district; and the property, both real and personal, of the various school districts embraced within the limits of said graded school district shall become the property of said graded school district, and the title thereto shall be vested in the said board of trustees in trust therefor; and said board of trustees may in their discretion sell the same, or any part thereof, and apply the proceeds to the use of the public graded schools to be established in said graded school district.

Title to property vested in trustees.

Contiguous land may be included in district.

Sec. 15. That all persons owning and residing on land lying on both sides of said graded school district may, for the purposes of this act, list and pay taxes on the whole of such land, poll and personal property, notwithstanding that part of the land resided upon lies outside, but contiguous to, said boundary. That all such persons listing and paying taxes on said land and personal property shall be entitled to the benefits of said schools without further cost.

Superintendent of schools.

Sec. 16. That said board of graded school trustees shall elect annually, at least forty days before the fall term of said graded schools, a superintendent, who shall supervise the graded public schools of said school district and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

Studies and text-books.

Tuition in extra courses.

Non-resident pupils.

Sec. 17. That said board of graded school trustees are hereby authorized in their discretion to fix and prescribe the curriculum of studies and to adopt text-books for said graded schools, supplementary to those prescribed by State adoption; to provide for instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor, and to admit pupils residing without the limits of said graded school district upon such terms as the said board of trustees may deem just and reasonable.

Reports of trustees.

Sec. 18. That it shall be the duty of said board of graded school trustees to make to the Mayor and Board of Aldermen of the Town of Elizabeth City annually, after the close of each school year, a full and written report of the operation of the graded public schools of said graded school district, and duplicate copies of said report shall be furnished the County Superintendent of Schools of Pasquotank County.

Apportionment of school fund.

Sec. 19. That the several county boards of education having authority under the general school law of the State shall, in the apportionment of all public school funds to said graded school district, apportion the same upon a per capita basis.

Sec. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 141.

AN ACT TO CREATE AND ESTABLISH A FREE SCHOOL DISTRICT AT THE COUNTY LINE BETWEEN THE COUNTIES OF MONTGOMERY AND MOORE, TO BE COMPOSED OF A PORTION OF THE COUNTY OF MOORE AND A PORTION OF THE COUNTY OF MONTGOMERY.

The General Assembly of North Carolina do enact:

District established.

Section 1. That a free school district is hereby created and established at the line between Moore County and Montgomery County, to be composed of a portion of Moore County and a portion of Montgomery County, to be known as the "Moore-Montgomery Free School District." The limits or boundaries of said "Moore-Montgomery Free School District" shall be as follows, to-wit: Beginning at a point where Cabin Creek crosses the Moore and Montgomery County line, running thence down said Cabin Creek to K. W. Leach's line; thence with K. W. Leach's line to W. M. Williams' line; thence with W. M. Williams' line, so as to include his land, to C. E. Allen's land, and to include W. M. Allen's and A. W. E. Caple's; thence with C. E. Allen's line, so as to include his land, to A. W. E. Caple's line; thence direct to James Callicut's line; thence with James Callicut's line, so as to include his land, to Willey Callicut's line; thence with Willey Callicut's line, so as to include his land, to Wolf Creek; thence up the south side of Wolf Creek to John Allen's line; thence with his line, so as to include his land, to Lindsay Allen's line; thence with Lindsay Allen's line, so as to include his land, to Beeddie Dunn's line; thence with Beeddie Dunn's line, so as to include his land, to Thomas Lemon's line; thence with Thomas Lemon's line, so as to include his land, to Allen Lemon's line; thence with Allen Lemon's line, so as to include his land, to the Big Branch; thence down Big Branch to the Moore and Montgomery County line; thence with said line to the beginning.

Name.

Boundaries.

Sec. 2. That the school-house for said district shall be located on the county line between the counties of Moore and Montgomery, and the cost of the building of the same shall be paid, one-half by Moore County and one-half by Montgomery County, under the provisions of the general school laws; and the sum to be expended in the erection of said building shall be fixed by the Board of Education of Moore County and the Board of Education of Montgomery County; and the school-house so erected shall be the joint property of the two counties. Location of school-house. School building.

Sec. 3. That said free school district shall be governed by the same laws, rules and regulations as other free school districts in the State. General school laws to apply.

Sec. 4. That Angus Owens, J. G. Williams and B. L. Dunn are hereby appointed and constituted a committee for said free school district. Committee named.

Sec. 5. That it shall be the duty of the board of education of each of the counties of Moore and Montgomery, at their first meeting for the purpose of appointing school committees after the committee herein named shall have had their office for a term of two years, to appoint their successors. The Board of Education of Montgomery County shall appoint two from that part of the district lying in Montgomery County and the Board of Education of Moore County shall appoint one from that portion of the district lying in the county of Moore; and at the next succeeding meeting of the Board of Education of the County of Montgomery for the purpose of appointing school committees, one shall be appointed from that part of the aforesaid district lying in the county of Montgomery, and at the similar meeting of the Board of Education of Moore County for the same purpose two shall be appointed from that portion of the said district lying in the county of Moore. And all the committees hereafter appointed for the said district shall be appointed as above stated, one term there being two committeemen appointed from the county of Montgomery and the next term there being two appointed from that portion of the district lying and being in the county of Moore. It shall be the duty of the said school committee, at the time provided by law to make a census of the children for other free school districts in the State, to make a true and correct report of the number of children of school age in that part of the district lying in Montgomery County and forward the same to the Board of Education of Montgomery County; and in like manner they shall make a report of all the children of school age in that part of the district lying in Moore County and forward the same to the Board of Education of Moore County. Appointment of successors. School census.

Sec. 6. That the Treasurer of Moore County is hereby appointed and constituted the treasurer of said free school district. Treasurer.

Apportionment to district from Montgomery county.

Sec. 7. That all the children of school age in that part of the district lying in Montgomery County shall receive their *pro rata* share of the school fund of that county, which, being paid into the treasury of Montgomery County, shall be forwarded by the treasurer of said county to the Treasurer of Moore County, who shall receipt for the same and place to the credit of said "Moore-Montgomery Free School District."

Apportionment to district from Moore county.

Sec. 8. That all the children of school age in that part of the district lying in the county of Moore shall receive their *pro rata* share of the school fund of Moore County, the same to be paid out by the said Treasurer of Moore County, together with the amount said "Moore-Montgomery Free School District" is entitled to under and by virtue of section seven of this act, to said district, as ordered by the committee of said district: *Provided, however*, that the Treasurer of Moore County shall receive no compensation for receiving or paying out any of the money received from the county of Montgomery.

Proviso: pay of treasurer.

Teacher.

Sec. 9. That the teacher empowered to teach school at any time in said district shall have a certificate from the proper authorities of either Montgomery or Moore County, as the committee of said district may elect; but nothing herein contained shall compel any such teacher to stand an examination in more than one county to teach the same term of school.

Repealing clause.

Sec. 10. That all laws and parts of laws in conflict with this act are hereby repealed.

Act to be ratified by boards of education.

Sec. 11. This act shall not be in force until endorsed and ratified by a favorable majority vote of the School Board of Moore County, and a similar vote on the part of the School Board of Montgomery County.

Sec. 12. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1907.

CHAPTER 142.

AN ACT TO AUTHORIZE THE TOWN OF ROXBORO, NORTH CAROLINA, TO VOTE ON BONDS FOR GRADED SCHOOL BUILDING AND OTHER IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Denomination.

Amount.

Section 1. That the Board of Commissioners of the Town of Roxboro is hereby authorized and empowered to issue bonds in the name of the town of Roxboro, of denomination of either five hundred or one thousand dollars each, as the commissioners may deem best, to an amount not exceeding fifty thousand dollars; said bonds to be payable thirty years from the date of issuing.

Sec. 2. Said bonds shall bear interest at no greater rate than five per cent. per annum, the interest to be payable annually or semi-annually, as the commissioners may deem best: *Provided*, that the bonds, when so issued, shall not be disposed of for less than the face value thereof: *Provided*, this shall not prohibit the commissioners from paying a reasonable commission to place the same. Interest. Proviso: bonds not to be sold below par. Proviso: commission.

Sec. 3. That said bonds shall be signed by the mayor, attested by the town clerk, and sealed with the corporate seal of the town, and shall have interest coupons attached thereto; and the said coupons shall be receivable as town taxes. That for paying said bonds at maturity, and the coupons as they may become due, it shall be the duty of the board of town commissioners, and they are hereby authorized and empowered so to do, to levy and collect each year a sufficient special tax on all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town; said taxes shall be collected at the time and in the manner as other taxes are collected under said charter: *Provided*, that the total rate of taxation allowed for said purpose shall not exceed fifty cents on the hundred dollars valuation of taxable property and one dollar and fifty cents on the poll: *Provided, also*, that the taxes collected under this act shall be used for no other purpose than paying said bonds at maturity and the coupons as they may become due. It shall be the duty of the town treasurer, as said coupons are paid off and taken up, to cancel the same, and to report not less than twice a year to the town commissioners the number and amount of said coupons so paid off and cancelled. How bonds authenticated. Coupons receivable for town taxes. Special tax for bonds and interest. Proviso: rate. Proviso: application of tax.

Sec. 4. That the said board of commissioners shall not issue said bonds, nor levy nor collect said taxes, until they shall have been authorized and empowered so to do by a majority of the qualified voters of the town, at an election to be held at such time as the board of commissioners may deem best and appoint; of which election notice shall be given by publishing in some newspaper published in said town and posting at the court-house door for thirty days next preceding the election, stating the amount of bonds to be voted on and the purpose to which the proceeds from the sale thereof are to be applied; and at such election those favoring a bond issue shall vote a ticket on which shall be written or printed the words "For Bonds," and those opposing a bond issue shall vote a ticket on which shall be written or printed the words "Against Bonds": *Provided*, that whenever there shall be an election to issue bonds for more than one of the objects as hereinafter set out, there shall be separate boxes for each, said boxes to be marked for what purpose said bonds are to be issued. Said election shall be held under the same rules, regulations and in the same manner as elections for mayor and town Election to be held. Notice of election. Form of ballots. Proviso: separate boxes. Law governing election.

Proviso: new registration. Proviso: successive elections.

commissioners: *Provided*, that the commissioners may order a new registration of the voters, if they deem best: *Provided, also*, that the failure of the voters to ratify this act shall not prevent the commissioners in their discretion ordering another election for the same purpose after the expiration of six months. That the board of commissioners may order an election for any amount of bonds for any of the purposes hereinafter enumerated, and may call different elections at different times for the purpose of voting to issue bonds for one or more of the purposes hereinafter enumerated, and said bonds shall be cumulative, but the grand total shall not exceed fifty thousand dollars.

Appropriation of bonds.

Sec. 5. That said bonds, and the proceeds arising from the sale of the same, shall be used by the board of commissioners for the following and for no other purposes, to-wit: An amount not to exceed twenty-five thousand dollars for the purpose of buying or purchasing a suitable location for and erecting suitable buildings for the graded schools for the said town, for which purpose the tax rate shall not exceed twenty-five cents on the hundred dollars valuation of taxable property and seventy-five cents on the poll; for buying a location for, erecting and maintaining an electric-light plant, for the purpose of lighting the streets of the town and for the sale of the lights to the citizens thereof; for enlarging the system of water-works or extending the water-mains in said town; for the erection of a sewerage system for the town; for grading, curbing, macadamizing or paving the streets and sidewalks of said town, or improving the streets and sidewalks in any manner that the commissioners may deem best: *Provided*, that the amount of bonds for all the purposes, for lights, water, sewerage and streets, shall not exceed twenty-five thousand dollars, and the rate of taxation for these purposes shall not exceed twenty-five cents on the hundred dollars valuation of taxable property and seventy-five cents on the poll.

For graded schools.

For electric-light plant, water-works and sewerage.

For street improvements.

Proviso: amount and tax rate.

Purchasers not responsible for application of funds.

Sec. 6. That the purchasers of the bonds shall in no way or manner be responsible for the application of the funds arising from the sale of the bonds.

Town commissioners to have control of work. Proviso: trustees for graded school.

Sec. 7. That the board of town commissioners shall have entire control and supervision over any and all buildings, plants or works established, built or erected under this act: *Provided*, that when the graded school buildings shall be completed and accepted by the board of commissioners they shall be turned over to the board of school trustees, and shall be subject to the act establishing the graded school in the town of Roxboro. (Chapter ninety-five, Private Acts one thousand nine hundred and three).

Sec. 8. That all laws and clauses of laws in conflict with this act shall be and are hereby repealed.

Sec. 9. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 143.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE WATER-WORKS SYSTEM OF THE TOWN OF WAYNESVILLE, AND TO AUTHORIZE THE ISSUANCE OF BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Election on special tax.

Section 1. That the Board of Aldermen of the Town of Waynesville are hereby directed and required to submit to the qualified voters of said town, at the next election for municipal officers, to be held next May, the question whether an annual tax shall be levied on the property and polls of said town to pay the interest on the bonds in this act hereinafter provided to be issued, should a majority of the qualified voters of said town authorize the issuance of bonds as provided in this act.

Form of ballots.

Sec. 2. That at the election held under the provisions of this act those qualified voters who favor the levying of such tax and the issuance of said bonds shall vote a written or printed ballot with the words "For Improvement Water-works System" upon it, and those qualified voters opposed to the levying of said tax and to the issuance of said bonds shall vote a written or printed ballot with the words "Against Improvement Water-works System" upon it.

Bond issue

Sec. 3. That if a majority of the qualified voters shall vote at said election in favor of levying the said tax and the issuance of bonds, then the said board of aldermen of the said town shall issue, pledging the credit of the town of Waynesville, coupon bonds to an amount not exceeding twenty-five thousand dollars, Amount. in such denominations as said board may elect, same to bear Denomination. interest at the rate of five per centum per annum, interest payable Interest. semi-annually, and both the interest and principal of said bonds to be payable at such place as said board of aldermen may designate, and said bonds shall become due and payable thirty years Maturity. from the date of the same. And the said bonds shall, together How bonds authenticated. with the coupons, be numbered and signed by the mayor of the said town and countersigned by the treasurer of said town, and a correct record shall be kept by the town clerk and by the town treasurer of all bonds, observing the number, the amount and to whom sold. The coupons shall be receivable in payment of any Coupons receivable for town taxes. and all debts or taxes due the town. And the said bonds shall not be sold at less than par, but the said board of aldermen may, Bonds not to be sold below par. in their discretion, pay a commission of not more than two and Commission. one-half per centum of the amount issued, should the same become necessary, to effect a sale of the said bonds.

Appropriation of proceeds.

Sec. 4. That the proceeds arising from a sale of said bonds shall be used exclusively, first, to make permanent improvement in the present water system of said town, so that sufficient pure water shall be furnished the inhabitants of the town of Waynesville, and then, if any surplus is left, the same may be expended in liquidating and paying any debts due by said town heretofore contracted by said board in order to improve either the water or sewer system of said town, and for no other purposes.

Special tax for interest and sinking fund.

Sec. 5. That in order to pay the interest on the said bonds as and when the same shall become due, and to create a sinking fund with which to pay the principal when the same shall become due, it is hereby made the duty of the said board of aldermen and their successors in office to annually compute and levy, at the time of the levying of other town taxes, a sufficient special tax upon the property and polls of said town, at all times observing the constitutional equation, with which to regularly and promptly pay the interest on said bonds, and with which to pay out of the sinking fund the principal of said bonds at the maturity thereof. This tax shall be collected by the town tax collector and by him paid to the town treasurer, and the taxes levied and collected under the provisions of this act shall be kept separate from other taxes and only applied as herein provided.

Sec. 6. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 144.

AN ACT TO AMEND THE CHARTER OF THE WACHOVIA LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter ninety of the Private Laws of one thousand eight hundred and ninety-one, being an act to incorporate the Wachovia Loan and Trust Company, be and the same is hereby amended as follows: Add after the last word in section seven of said act the following: "That in all applications for the appointment of the said company as executor, administrator, guardian, trustee, receiver or depository, or any other fiduciary relation, and in making any and all returns, reports and settlements, the said loan and trust company may act through and by its president, its vice-president, its secretary or treasurer; and any of such officers are authorized in all such cases to make oath to any and all papers necessary, before any and all courts and

Representative of company in fiduciary relations.

before any and all persons authorized to administer oaths. That in all cases of letters testamentary, or of administration, guardianship, and in all cases where said loan and trust company shall be appointed trustees, or to any other fiduciary relation, the court having jurisdiction over such estates is authorized to allow the said loan and trust company, as such executor, administrator, guardian, trustee or receiver, to take and receive such fees and commissions from time to time as are allowed by law, without waiting for the filing of the final settlement by said loan and trust company or the final closing up of the estate committed to its care."

Fees and commissions.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 145.

AN ACT TO AMEND CHAPTER 40 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1899, WHICH WAS AN ACT TO AMEND THE ACT INCORPORATING THE TOWN OF GRAHAM, IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter forty of the Private Laws of North Carolina of one thousand eight hundred and ninety-nine be stricken out and the following substituted therefor: That the corporate limits of said town are declared to be as follows: The southern boundary shall be one-half mile south of the center of the court-house in and for said county of Alamance, and said boundary shall be a true east and west line; the eastern boundary shall be one-half mile east of the center of said court-house, and said boundary shall be a true north and south line extending from the point of its intersection with the southern boundary to and across the North Carolina Railroad to a point three hundred feet beyond the center of the track of the said North Carolina Railroad; thence westward with said railroad track, at a distance of three hundred feet north of the center of said track, to a point in the center of the old Big Falls road; thence south to a point ten feet north of the center of the North Carolina Railroad; thence on the north side of said railroad track in a westward direction, ten feet from center of said track, fifteen hundred feet; thence due south to where this southern line

Corporate limits.

will intersect the northeastern boundary of the macadamized public road leading from Graham to Burlington; thence southward with the northeastern boundary of said road to a point where this line would intersect the former corporate line of said town, as provided under said chapter forty of the laws of one thousand eight hundred and ninety-nine; thence a straight line to a point where said straight line would intersect the southern boundary at a point one mile due west of the intersection of the southern and eastern boundary.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 146.

AN ACT TO AMEND CHAPTER 129, PRIVATE LAWS OF 1901, RELATIVE TO THE CHARTER OF THE TOWN OF WILLIAMSTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Right to hold property increased.

Section 1. That section one of chapter one hundred and twenty-nine of Private Laws of one thousand nine hundred and one be amended as follows: In line eleven of said section strike out the word "ten," and insert in lieu thereof the word "thirty."

License taxes.

Sec. 2. That said chapter one hundred and twenty-nine, Private Laws of one thousand nine hundred and one, be further amended by adding thereto the following: "Section 12. That the board of commissioners shall have power, in addition to the regular property tax, to levy and collect a specific or license tax on all trades, callings, professions or occupations and manufactories not specifically exempted by general law; merchants, brokers, peddlers, oculists, venders of any article whatever, hotels, restaurants, circuses of any kind, agents of all kinds, soda-water and ice-cream stands, saloons, draymen, livery stables; on all dogs, drays and wagons for hire, photographers, telegraph, telephone, express, gas and electric-light companies, steel railroads; any trade, business or pursuit of any kind, or persons plying it or their trade or having office or offices in the town limits; and shall have the power to regulate and control all shows, nuisances, or any pursuit that is likely to affect the health, peace or police regulations, that may happen or be about to happen within one mile of the town limits."

Bond issue to be submitted to voters.

Sec. 3. That the commissioners of said town shall have the power, when they deem best, a majority of the board being present and voting in favor thereof, to submit to the qualified voters of

the town of Williamston the proposition to issue ten thousand dollars' worth of bonds for the erection and furnishing of a town hall; that for the purpose of paying the interest on and redeeming said bonds they be allowed to levy a special tax, not to exceed fifteen cents on the hundred dollars' worth of property, either real or personal, and forty-five cents on the poll. That said commissioners shall give thirty days' notice of said election, stating the object of the election, the amount of bonds, the maximum tax to be levied for this purpose; if, after giving thirty days' notice in the newspapers, or by posting same at the court-house and three other public places, a majority of the votes cast shall favor the bond issue by voting "Approved," then said bonds shall be issued, signed by the chairman and the secretary. Said bonds shall not exceed six per cent. interest per annum, payable semi-annually, and not sell below par. Those not so favoring said bond issue shall vote "Not Approved": *Provided further*, that if the commissioners shall desire to hold similar elections for the issue of bonds or to borrow money for any municipal improvements, as electric lights, sewerage, water-works or street improvements, and shall so vote at two separate meetings, not coming within two months of each other, and shall record such vote in their minutes, and have a majority present and a majority voting in favor of it at each meeting, they may order an election held in the same manner as above stated, by complying in every way with the full meaning and form of this act. Said elections shall be held as are elections of town officers, and no new registration had unless required by said commissioners.

Amount and purpose.

Special tax.

Rate.

Notice of election.

Proviso: elections on bond issue for electric lights, sewerage, water-works or streets.

Law governing elections.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 147.

AN ACT TO AMEND AND REVISE THE CHARTER OF THE TOWN OF WACO, IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Waco shall be and continue, as they have heretofore been, a body politic and corporate, and henceforth the said corporation of the town of Waco shall bear the name and style of "Waco," and under that name is hereby invested with all the property and rights of property which now belong to the town of Waco, or the board of commissioners of said town, or any other corporate name or names heretofore used; and by the corporate name of Waco may pur-

Incorporation confirmed.

Corporate name.

Formal enumeration of corporate powers.

chase and hold, for the purpose of its government, such property and estate, real and personal, within and without said town as may be deemed necessary or convenient therefor, or as may be conveyed, devised or bequeathed to it; and the same may from time to time sell, dispose of and re-invest the same, as shall be deemed advisable by the proper authorities of said corporation; and in its corporate name may contract and be contracted with, sue and be sued; and the said corporation, known as Waco, is hereby invested with all other rights and powers necessary or usually pertaining to municipal corporations, and is hereby specifically given all of the rights, powers and authority conferred upon towns and municipalities, not inconsistent with this act, by chapter seventy-three, volume one, of the Revisal of one thousand nine hundred and five of North Carolina.

Corporate limits.

Sec. 2. That the incorporate limits of said corporation of Waco shall remain hereafter as formerly defined and located, as follows: All that territory covered by and included in the circle having as its center the railroad bridge in the town of Waco, and made by a radius extending one-half of a mile in length from said center; that is, all that territory within a radius of one-half mile from the railroad bridge, the present center of the town of Waco.

Officers continued.

Sec. 3. The present officers of said town and now holding office therein, and whose terms have not expired, shall hold their said offices until their terms shall have respectively terminated, or until their successors are duly elected and qualified as hereinafter provided.

Town government.

Sec. 4. The corporate powers hereby vested in the corporation of Waco shall be exercised, controlled and managed by a board of

Board of aldermen.

aldermen and a mayor for said town. Said aldermen of said town shall form one body, to be known as the board of aldermen, and said board of aldermen shall consist of three members, and a majority of them shall constitute a quorum and be competent to perform all duties.

Town elections.

Sec. 5. That there shall be elected by the qualified voters of said town, on Tuesday after the first Monday of May, one thousand nine hundred and seven, and on the Tuesday after the first Monday of May every two years thereafter, a mayor and three aldermen, who shall hold office for a term of two years from and after said election, and until their successors are elected and qualified.

Polling place.

Sec. 6. That said election of mayor and aldermen shall be held at some place within the corporate limits of said town to be

Voters.

selected by the mayor and aldermen, and no person shall be entitled to vote at said election, held in said town for municipal purposes, unless he shall be an elector of the State of North Carolina and shall have resided ninety (90) days next preceding the

day of election within the said corporation; and said election shall be held and conducted in the manner provided in chapter seventy-three, volume one, of the Revisal of one thousand nine hundred and five of North Carolina, as above provided.

Mayor and aldermen to qualify.

Sec. 7. The mayor and board of aldermen, after their election as above provided, shall within three (3) days take the oath of office and qualify, said oath of office to be taken before any justice of the peace of Cleveland County.

Marshal.

Sec. 8. The said board of aldermen shall elect a marshal for the town of Waco, who shall also be the tax collector for said town, and he shall hold his office for a period of two years, unless removed by said board of aldermen for failure to discharge his duty; and the said board of aldermen shall fix his compensation for the services rendered both as marshal and as tax collector for the town of Waco. The board of aldermen shall also elect a treasurer of said town, who shall hold office for a period of two years from his election, or until his successor is elected, unless removed for failure to discharge his duty, and the board of aldermen shall also fix his compensation. The board of aldermen shall require a sufficient bond to be given, each, by the marshal and the treasurer of said town for the faithful discharge of their duties.

Term of office.

Pay.

Treasurer.

Term of office.

Pay.

Bonds of marshal and treasurer.

Marshal to collect arrears of taxes.

Sec. 9. The Marshal of the Town of Waco is hereby empowered and directed to collect all of the back taxes due said town from any of its inhabitants, or the property holders, for the years one thousand nine hundred and three, one thousand nine hundred and four, one thousand nine hundred and five, and one thousand nine hundred and six; and the tax levy of eight and one-third cents on the one hundred dollars' worth of property and twenty-five cents on the poll made by said municipality is hereby in all things validated and confirmed, and said marshal is directed to proceed with the collection of the back taxes due for the above mentioned years by any of the inhabitants or property holders of the town of Waco, and is given full authority of law and all remedies provided by law for the collection of the taxes for the years aforesaid.

Treasurer to publish statements.

Sec. 10. The Treasurer of the Town of Waco shall publish annually at three public places in the town of Waco a statement of the receipts and disbursements of all moneys coming into his hands by virtue of his office, and the same shall be sworn to before the mayor of said town or other person authorized to administer oaths.

Mayor constituted special court.

Jurisdiction.

Sec. 11. The Mayor of the Town of Waco is hereby constituted a special court, to be known as the Mayor's Court, with exclusive original jurisdiction of all offenses arising from the violation of the provisions of this act or the ordinances, by-laws and regulations heretofore made by the Board of Commissioners of the Town of Waco, and all rules and regulations that may be made by the board of aldermen in pursuance of this act, and with all

the jurisdiction, power and authority which is now or may hereafter be given to a justice of the peace for the control and determination of such criminal cases as may arise within the corporate limits of said town under the general laws of North Carolina; and to that end may issue his summons, warrants or other processes for the party brought before him, hear, determine and give judgment thereon, issue execution, impose fines, penalties and forfeitures, as the case may be, and direct enforcement thereof, subject to the limitations of law, and subject also to the rights of appeal, as is provided for courts of justices of the peace: *Provided*, that no cause arising upon the violation of any of the provisions of this charter, or of any ordinance, rule or regulation made in pursuance hereof, shall be removed from the mayor's court to the justice of the peace's court for trial. The Board of Aldermen of the Town of Waco shall have power to prescribe and shall fix the compensation of the mayor, and shall specify whether or not he is to have the fees in trials in addition to his compensation or whether they are to be turned into the town treasury. The mayor of said town shall also preside at all meetings of the board of aldermen when he is present, and in case of a tie upon any question or in the election of any officer by the said board of aldermen, he shall have the right to vote, but shall not be allowed to vote in any other case.

Proviso: causes not removable.

Pay of mayor.

Mayor to preside at meetings of aldermen.

Powers of aldermen.

Regulation of bicycles.

Supply of water.

Water-works and sewerage.

Lights.

Officers and employees.

Street work.

Fire ordinances.

Observance of Sunday.

Nuisances.

Dogs.

Horses.

Hogs, goats and cattle.

Sanitary regulations.

Sec. 12. Among the powers hereby conveyed upon the Board of Aldermen of the Town of Waco are the following: To regulate the manner in which bicycles may be ridden in said town; to provide a sufficient supply of pure water for said town; to provide a sufficient and adequate system of water-works and sewerage for said town; to provide electric lights or other lights for lighting the streets, public buildings or houses of private individuals in said town; to employ an attorney, clerk, street overseer, additional policemen, when necessary, and such other employees as in their discretion may be required for said town, and fix their compensation; to provide for the curbing and paving of the streets or sidewalks of said town, and the cleaning of same, to the extent said board may deem best; to provide proper and effectual means and regulations to prevent and extinguish fires in said town, and to provide for the establishment, organization, equipment and government of fire companies; to make suitable regulations for the due observance of Sundays in said town, and to provide for the enforcement of same; to prevent, suppress and remove nuisances in said town; to regulate the manner in which dogs may be kept in said town; to regulate the speed at which horses may be driven or ridden through said town; to regulate the manner in which hogs, goats and cattle may be kept in the town; to cause all alleys, lots, cellars, privies, stables and other places of similar character to be examined, cleaned, removed or abated, as pre-

scribed by the board; to establish and maintain one or more public cemeteries of such size as they may deem necessary, within or without the corporate limits of said town, and provide for the care and maintenance of same, and the proper control and protection thereof; to make ordinances prohibiting or controlling the firing of fire-arms, fire-works or any explosive materials in said town; to regulate the speed at which railroad engines and trains shall run within the town limits, and to require said railroads to keep the street crossings in good repair and to give the proper alarm or signals of approaching trains at crossings, and to require said railroads to erect and keep in good repair all necessary overhead bridges in said town, when in the discretion of said board of aldermen said bridges are necessary for the travel and passing and re-passing of the citizens of said town upon any street in said town said railroad, or any of them, crosses; to make proper provisions and take all necessary measures to preserve said town from contagious or infectious diseases, and to declare and enforce quarantine and quarantining regulations; to levy and provide for the collection of all taxes authorized by law to be levied or collected by said town, and to enforce the collection of the same; to impose and collect fines, penalties and forfeitures for a breach of the ordinances and regulations of said town.

Cemeteries.

Fire-arms and explosives.

Railroad engines and trains.

Quarantine.

Levy and collection of taxes.

Fines, penalties and forfeitures.

Sec. 13. All ordinances passed by the board of aldermen shall be entered in the minutes at which they are passed, and recorded in a book to be kept for that purpose, which record shall state the number of the ordinance and the date of its passage.

Record of ordinances.

Sec. 14. It shall be unlawful for any person to resist or obstruct any officer of said town in the discharge of his official duty, such as by force, threats or otherwise, and any person so offending shall be guilty of a misdemeanor and shall be fined twenty-five dollars or imprisoned for thirty (30) days.

Resistance to or obstruction of officer a misdemeanor.

Punishment.

Sec. 15. The fiscal year of said town shall begin with the first day of June in every year, and the poll tax and the *ad valorem* tax of said town shall become due on the first day of September in every year.

Fiscal year.

Sec. 16. All taxes of said town shall be levied, assessed and collected, except as in this charter otherwise provided, in the same manner and under the same rules and regulations and subject to the same penalties as are provided by law, or shall hereafter be provided by law, for the listing, levying, assessing and collecting of State and county taxes in this State.

Levy and collection of taxes.

Sec. 17. That the violation of any ordinance or ordinances of the town of Waco passed by the board of aldermen, or passed hitherto by the board of commissioners of said town, in pursuance of its charter, shall be deemed a misdemeanor, and punishable by a fine not exceeding fifty dollars or imprisonment for a period not exceeding thirty (30) days.

Violation of ordinances a misdemeanor.

Punishment.

Sec. 18. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as this act is concerned.

Sec. 19. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 148.

AN ACT TO AMEND THE CHARTER OF THE CHARLOTTE ELECTRIC RAILWAY, LIGHT AND POWER COMPANY, BEING CHAPTER 32 OF THE LAWS OF 1883.

Preamble.

Whereas, on the twenty-sixth day of January, Anno Domini one thousand eight hundred and eighty-three, the Charlotte Street Railway Company was duly incorporated by an act of the General Assembly of North Carolina, with the privilege of constructing and operating a street railway system in the city of Charlotte and vicinity thereof, and by amendments to said act, passed by the General Assembly of North Carolina on the sixth day of March, Anno Domini one thousand eight hundred and ninety-five, and on the thirteenth day of March, Anno Domini one thousand nine hundred and one, the name of said corporation was changed to the "Charlotte Electric Railway, Light and Power Company," and its operating territory extended to the limits of the county of Mecklenburg; and whereas, the said Charlotte Electric Railway, Light and Power Company desires an enlargement of its corporate powers, that it may better serve the public within its territory: now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Section 1. That chapter thirty-two of the Laws of one thousand eight hundred and eighty-three be and is hereby amended as follows:

First. By striking out section two (2) thereof and inserting in lieu of said section the following:

Capital stock.

"Sec. 2. The capital stock of said company shall be sixty thousand dollars, in shares of fifty dollars each, and said company may, by a concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to an amount not exceeding two million dollars: *Provided, however*, that such increase shall be null and void until the amount of such increase shall be certified to the Secretary of State and the taxes prescribed therefor by law be paid; and the company shall have the right to borrow money, to make, negotiate and dispose of its promissory notes, drafts and bonds, and to mortgage any or all of its property and franchise to secure their payment."

Increase authorized.

Second. By striking out section three (3) thereof and inserting in lieu of said section the following:

"Sec. 3. That said company is hereby given power to make, construct, equip, operate and maintain a line or lines of railway, with one or more tracks, and with such cars, trolley-wires, cable-posts, side-tracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary, through, along and over the streets, avenues and its own right-of-way within the corporate limits of the city of Charlotte, North Carolina, as said corporate limits now are or may hereafter be extended, and through, along and over its own right-of-way and streets, avenues, roads and highways of all counties, towns and villages within a radius of fifty miles from the center of the said city of Charlotte, North Carolina, and connecting said city with the towns and villages, and any of said towns and villages with each other, and to such points in the vicinity thereof and within the radius aforesaid as the said company may from time to time determine; to cross any track of any street railway or railroad company now incorporated or hereafter to be incorporated; to erect and equip such stations, warehouses, offices, power plants, shops and other buildings as its said board of directors may deem necessary; to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power in the forms of electric current, hydraulic, pneumatic and steam pressure, and in any and all forms now or hereafter in use for driving machinery and for propelling cars or carriages; to charge and collect such sums of money for the carriage of passengers, freight and the transportation of property between given points as may be reasonable: *Provided*, that its line or lines of railway shall be constructed over, across and along streets within the corporate limits of said cities, towns or villages, or over, along and across the public highways and avenues without said corporate limits, in the manner authorized and permitted by sections two thousand five hundred and sixty-seven (subsection six), two thousand five hundred and sixty-eight, two thousand five hundred and sixty-nine, two thousand five hundred and seventy, two thousand five hundred and seventy-one and two thousand five hundred and seventy-two of chapter sixty-one (61) of the Revisal of one thousand nine hundred and five, the provisions of which shall be deemed incorporated herein." Power to run street railways.

Third. That section six (6) thereof be stricken out and the following substituted in lieu of said section:

"Sec. 6. The conductors and other agents and servants of said company are hereby invested with the same authority, powers and privileges which belong to similar officers and agents of railway companies now operating in this State; and, in addition to the general powers conferred upon such agents and officers, they may eject and remove all drunken, profane and disorderly persons Powers of conductors, agents and servants. Drunken, profane and disorderly persons removed.

from any of the conveyances or cars of said company at any time, whether the fare of said drunken, disorderly or profane person has been paid or not."

Directors.

Fourth. That section seven (7) thereof be amended as follows: By striking out the words "not less than three nor more than five," in lines five and six thereof, and inserting in lieu thereof the words "not less than three nor more than nine."

Fifth. By adding after section seven (7) of said act the following sections:

Powers as light, heat and power company.

"Sec. 8. That said company is hereby given power and authority also to make, transmit and furnish to individuals and corporations within said city of Charlotte, North Carolina, and within a radius of fifty miles from the center of said city, power, light and heat in the form of electricity or other forces, currents or fluids used for such purposes; to construct, maintain and operate a plant or plants in or near the city of Charlotte and at other point or points within a radius of fifty miles from the center of said city for the purpose of generating, manufacturing and transmitting the same; and either above or underground by wires, cables, tubes, pipes, conduits and all other ways and means now used, or which may be devised for transmission of power, light and heat, to transmit and distribute the same directly to consumers or users within the radius aforesaid, or to a distributing point therein, and from such distribution point to consumers and users as aforesaid; to make, buy, deal in, furnish, supply and sell electricity and any and all other kinds of powers, forces, currents, fluids, matters and materials now used or which may be discovered for the purposes of illumination, heat and power; to purchase, acquire, hold, improve, lease, operate and maintain water-powers, water rights and privileges, and to purchase, acquire, rent, lease, own, hold, improve and develop real property in such quantities as may be deemed necessary for the proper conduct of its business, and to lay out, plat and dedicate to public use, or otherwise, streets, avenues, alleys and parks.

Power to survey routes and condemn lands.

"Sec. 9. That in order to effect and carry out the purpose of its creation and the powers conferred upon it by its charter, said company may survey such route or routes for its line or lines of railway and for its ways and means of transmission and distribution of power, light and heat as may be deemed necessary and practicable, and if any lands of individuals or corporations, or any right, franchise, privilege or easement therein shall be found necessary for the location, construction and operation of its said line or lines of railway, branches and sidings, or its wires, cables, tubes, pipes and conduits, then in case said company shall be unable to agree with the owner or owners thereof for the purchase of such lands, rights, privileges or easements therein, it shall have the right to

acquire title to the same in the manner and by the special proceedings prescribed in chapter sixty-one (61) of the Revisal of one thousand nine hundred and five, entitled 'Railroads': *Provided, however*, the right of the said company to condemn and take land under this act for railway purposes shall be limited to the space of fifty feet on each side of its road-bed, measuring from the middle of the same, except in cases of deep cuts or high embankments, when said company shall have the right to condemn as much in addition thereto as may be necessary for the construction of its road or roads: *Provided further*, that if necessary for depots, warehouses, station grounds, shops, turnouts, side-tracks, yards, gravel pits, borrow pits, quarries or other purposes necessary for the construction and operation of said road, it may condemn not exceeding ten acres in any one place. Said company shall also have and be entitled to exercise all rights and powers of eminent domain conferred upon railroads by virtue of chapter sixty-one of the Revisal of one thousand nine hundred and five, heretofore referred to, not in conflict with the provisions of its charter.

Proviso: limit on power of condemnation.

"Sec. 10. The said company may subscribe to or purchase the capital stock, bonds or other securities of any other corporation now in existence or hereafter projected, in the State or elsewhere, and any other such company may subscribe to or purchase the capital stock, bonds or other securities of this company.

May purchase stock and bonds of other companies.

"Sec. 11. That said company shall have the right to build and maintain a dam or dams across the Catawba River, in North Carolina, and pond back the waters of said river and its tributaries at any point or points thereon, within a radius of fifty miles from the center of the said city of Charlotte, for the purpose of utilizing such water-power or water-powers as it now owns or may hereafter acquire by purchase in manufacturing and generating electricity, to be used in the operation of its line or lines of railway, or to be sold and transmitted to individuals or corporations for use as power, light and heat, and for such other uses and purposes as said company may from time to time determine; and build, maintain and operate in connection with said water-power plants canals, bridges, ferries, aqueducts, water-ways, spill-ways, waste-ways, wells and reservoirs, and all other works, houses, shops and necessary buildings for use and operation in connection with said water-power plants. And whenever any other land for the ponding of water, or other water rights or easements may be required by said company for the purpose of constructing, operating and fully developing its said water-power plant or plants, then, in case said company cannot agree with the owner or owners for the purchase of such lands, water rights or other easements, the same may be condemned, appropriated and taken by the said company in the manner provided for the con-

Dams across Catawba river.

demnation of lands for railroads, as provided for in chapter sixty-one of the Revisal of one thousand nine hundred and five.

Entry on lands for survey.

"Sec. 12. It shall be lawful for said company, through its agents, superintendents, engineers or other persons in its employ, to enter at any and all times upon the lands or waters of any individuals or corporations for the purpose of exploring, surveying and locating its line or lines of railway and its water-power plant or plants, and pondage area or areas upon the same, and of making a plat or plats thereof.

Powers under general laws.

"Sec. 13. That the said Charlotte Electric Railway, Light and Power Company, in addition to the rights and powers specially conferred upon it by its charter, shall have all the rights and powers and enjoy all the privileges and immunities possessed and enjoyed by any other street railway, railroad company or electric power company by virtue of the general laws of the State.

Stockholders not individually liable.

"Sec. 14. That the stockholders shall not be individually or personally liable for any of the contracts, obligations, indebtedness, defaults or torts of the corporation, and no stockholder shall be liable to pay for more stock than he has subscribed for."

Former charter confirmed.

Sec. 2. That this act shall not be so construed as to repeal any of the provisions of the original charter of said company, or any act or acts amendatory thereto, not herein expressly repealed or amended.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 149.

AN ACT TO INCORPORATE GLENOLA RURAL GRADED SCHOOL, IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That the territory embraced within the following described boundary, to-wit: Beginning at the northeast corner of S. T. Hill's land, thence west to the northwest corner of said Hill's lands; thence south to T. O. Marsh's southeast corner, in Caraway Special School Tax District line; thence in southerly and easterly directions, with the various courses of said Caraway district line, to the district line of the Marlboro graded school; thence with said line in an easterly direction to R. L. Davis' southeast corner; thence with the east and north boundaries of said R. L. Davis to A. J. Spencer's line; thence in a northerly

direction with said A. J. Spencer's line, around his lands on the east, to C. F. Coltraine's line; thence with said C. F. Coltraine's east, north and west lines to E. L. Tomlinson's line; thence in a westerly direction with said E. L. Tomlinson's north line to W. O. Anthony's line; thence with said W. O. Anthony's line in a westerly direction and around his lands on the north to E. S. Gray's lands; thence around said E. S. Gray's lands on the north to G. G. Gray's line; thence in a northerly direction to the northeast corner of said G. G. Gray's land; thence in a westerly direction with said G. G. Gray's north line to J. W. Richardson's line; thence in a westerly direction with said J. W. Richardson's north line to Glencoe school-house lot; thence with the north line of said Glencoe school-house lot to J. R. Trotter's line; thence with said J. R. Trotter's north line to R. L. White's line; thence on said R. L. White's north line to the line of the E. E. Pugh lands; thence with the east, north and west lines of the said E. E. Pugh lands to Timber road; thence with said road to the beginning, be and the same is hereby incorporated under the name and style of "Glenola Rural Graded School District for White Children."

Incorporation.
Corporate name.

Sec. 2. That the special school tax election held in said territory, as described in section one, on the tenth day of August, one thousand nine hundred and six, under and by the authority of section twenty-four, chapter four hundred and thirty-five, Acts of one thousand nine hundred and three, as amended by section fourteen, chapter five hundred and thirty-three, Acts of one thousand nine hundred and five, be and the same is hereby declared legal and valid in all respects; and if the boundaries recited in the above are not connected so as to form a complete line or boundary around said territory, it shall be construed and is hereby made to form a complete line or boundary by taking the last point mentioned at any disconnected place, if such there be, and running around and including in said district all farms or lots mentioned to the next place enumerated in the boundaries as recited in section one.

Election validated.

Boundary completed.

Sec. 3. That T. O. Marsh, J. W. Richardson, J. A. English, A. B. Coltraine and R. L. White are hereby constituted a board of trustees for the public graded schools in said district, as hereinafter provided, and shall serve for the periods herein indicated, and until their successors are elected and qualified; that T. O. Marsh shall serve one year, J. W. Richardson shall serve two years, J. A. English shall serve three years, A. B. Coltraine shall serve four years and R. L. White shall serve five years, the terms of office of said trustees to begin on the first Monday in July, one thousand nine hundred and seven. The County Board of Education of Randolph County shall appoint a trustee to fill any vacancy that may arise on said board of trustees from any cause, and all trustees so appointed shall serve for a term of five years, except

Trustees.

Terms of office.

Vacancies.

Authority and duties.

those who are appointed to fill out unexpired terms. Said trustees shall have the same authority as that conferred upon school committeemen by the general school law, and they shall also be charged with the same duties as school committeemen.

Trustees to organize.

Sec. 4. That the board of trustees provided for in section three shall meet on the first Monday in July, one thousand nine hundred and seven, and organize by electing a chairman, a secretary, a treasurer and such other officers as they may deem necessary for the successful operation of the rural graded schools in the above named boundary: *Provided*, that the board of trustees may elect to have the treasurer of the County Board of Education of Randolph County as its treasurer, in which case said treasurer shall receive and disburse the funds of the district under and by the authority of the general school law.

Proviso: treasurer.

Bond of treasurer.

Sec. 5. That, in case said board of trustees shall elect a treasurer other than the treasurer of the Board of Education of Randolph County, they shall require said treasurer to give a justified bond, with security, in an amount not less than double the amount of school moneys to the credit of the district for the preceding school year, for the faithful performance of his duties as treasurer for the district and for the payment over to his successor in office of any moneys that may be in his hands unexpended. The treasurer shall receive nothing but money from the sheriff or other collecting officer, and he shall pay out the funds of the district only on an order from the board of trustees, signed by the chairman and countersigned by the secretary. Said treasurer shall file his bond with the County Commissioners of Randolph County.

Pay of treasurer.

The board of trustees shall fix the compensation of said treasurer, which shall not exceed one per centum of disbursements for any year: *Provided*, that after the first day of July, one thousand nine hundred and eight, the board of trustees may reduce the treasurer's bond to an amount equal to all funds to the credit of the district for the preceding year.

Proviso: amount of bond.

Special tax.

Sec. 6. That the county commissioners shall, on the first Monday in June of each year, levy thirty cents tax on each one hundred dollars valuation of property and ninety cents on each poll, for the support of the public schools in Glenola Rural Graded School District, and the sheriff shall collect said taxes at the times and in the same manner as he collects other special school taxes in the county; and the sheriff shall pay said tax over to the treasurer elected by said board of trustees. The general law governing the collection of school taxes shall apply to the collection of taxes in the above named district. The Treasurer of Randolph County shall pay over to the treasurer of the board of trustees any funds that may come into his hands for said schools.

Sec. 7. That said board of trustees and all officers and teachers in said district shall be governed by the general school law of this State, except as otherwise provided in this act. Application of general school law.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 150.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROCKINGHAM, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section eighteen, chapter one hundred and one of the Laws of North Carolina, session of one thousand eight hundred and eighty-seven, be and the same is hereby stricken out, and the following inserted in lieu thereof: "The said commissioners shall, at the first meeting after their election, select some one to act as constable of said town, and, before the taxes for the current year shall become due, some one to act as tax collector of said town, and the said persons shall hold office for one year, or until their successors are selected and qualified. Before entering upon the discharge of the duties of the office of constable the person so elected shall enter into a bond in the sum of two thousand dollars, with good and sufficient sureties, to be approved by the board of commissioners, payable to the State of North Carolina, and conditioned upon his faithfully executing and returning to the proper authorities all process that may come into his hands as said constable, and upon his faithfully accounting for and paying over to the proper authorities all moneys that may come into his hands from any source as said constable, and in all other respects executing to the best of his ability, and honestly and faithfully, all the duties imposed upon him by this charter or by the board of commissioners of said town. Before entering upon the discharge of the duties of tax collector, the person so selected shall enter into a bond in the sum of two thousand dollars, and such other bonds as may be required by statute, with good and sufficient sureties, to be approved by the board of commissioners, payable to the State of North Carolina, and conditioned upon his faithfully executing and performing any and all duties of the said tax collector, and upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability, and honestly

Commissioners to elect constable and tax collector.

Bond of constable.

Bond of tax collector.

and faithfully, all the duties imposed upon him by this charter and by the board of commissioners of said town."

Sec. 2. That all of section twenty-four thereof from and after the word "county," in line five of said section twenty-four, be and the same is hereby stricken out, and section 24a be and the same is hereby substituted in lieu thereof: "The tax collector of said town, in the collection of the taxes of the said town levied by the authorities thereof, shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this charter."

Authority of tax collector.

Water-works and sewerage.

Sec. 3. That section 26a be and the same is hereby added to the charter of the said town: "The commissioners of said town shall have the power to operate and maintain a system of water-works and sewerage, and shall have the power to condemn and appropriate any and all land necessary for said purposes, under the same terms, conditions and provisions as hereinafter provided for the opening and laying out and condemnation of land for new streets in said town."

When taxes due collected by tax collector.

Sec. 4. That the words "day of October," between the words "first" and "of," in line two of section thirty-three, be and the same are hereby stricken out, and the words "Monday of September" are hereby substituted in lieu thereof; and the word "constable," in lines two and three of said section, is hereby stricken out and the words "tax collector" inserted in lieu thereof.

Tax listing.

Sec. 5. That the word "July," between the words "in" and "in," in line one, section thirty-four, be and the same is hereby stricken out, and the word "June" inserted in lieu thereof; and between the words "treasurer" and "of," in line two of said section thirty-four, the words "or tax-lister" be and the same are hereby inserted; and that between the words "clerk" and "under," in line seven of said section thirty-four, the words "or tax-lister" be and the same are hereby inserted.

Tax lists.

Sec. 6. That after the word "clerk," in section thirty-five thereof, the words "or tax-lister" be and the same are hereby inserted.

Tax collector.

Sec. 7. That the word "constable," in lines five and six, section thirty-six thereof, be and the same is hereby stricken out, and the words "tax collector" inserted in lieu thereof.

Tax-lister.

Sec. 8. That between the words "treasurer" and "of," in line one of section thirty-seven thereof, the words "or tax-lister" be and the same are hereby inserted; and between the words "clerk" and "as," in line five of said section thirty-seven, the words "or tax-lister" be and the same are hereby inserted; and that the word "July," in said section thirty-seven, in line six, be and the same is hereby stricken out, and the word "June" inserted in lieu thereof; and that between the words "clerk" and "shall," in line six of said section thirty-seven, the words "or tax-lister" be and the same are hereby inserted; and that between the words "clerk"

and "of," in lines ten and eleven of said section thirty-seven, be and the same is hereby stricken out, and the words "tax collector" be inserted in lieu thereof; and that the word "third," in line twelve thereof, be and the same is hereby stricken out, and the word "first" inserted in lieu thereof; and that the word "August," in line thirteen thereof, be and the same is hereby stricken out, and the word "September" inserted in lieu thereof; and that between the words "clerk" and "when," in line fourteen, the words "or tax-lister" be and the same are hereby inserted; and that the words "town constable," in lines fourteen and fifteen of said section thirty-seven, be and the same are hereby stricken out, and the words "tax collector" inserted in lieu thereof.

Line to begin.

Sec. 9. That the words "third Monday in August," in line two, section thirty-eight, be and the same are hereby stricken out, and the words "first Monday in September" inserted in lieu thereof; and that the words "town constable," in line seven of said section thirty-eight, be and the same are hereby stricken out, and the words "tax collector" hereby inserted in lieu thereof.

Tax collector.

Sec. 10. That the word "constable," in line two of section thirty-nine thereof, be and the same is hereby stricken out, and the words "tax collector" are hereby inserted in lieu thereof; and that the word "constable," in line five of said section thirty-nine, be and the same is hereby stricken out, and the words "tax collector" are hereby inserted in lieu thereof; and that the word "constable," in line nine of said section, be and the same is hereby stricken out, and the words "tax collector" are hereby inserted in lieu thereof; and that the word "constable," in line thirteen of said section thirty-nine, be and the same is hereby stricken out, and the words "tax collector" are hereby inserted in lieu thereof; and that the word "constable," in line sixteen of said section thirty-nine, be and the same is hereby stricken out, and the words "tax collector" are hereby inserted in lieu thereof; and the word "constable," in line twenty-two of said section thirty-nine, be and the same is hereby stricken out, and the words "tax collector" are hereby inserted in lieu thereof; and that the word "constable," in lines thirty and thirty-one, be and the same is hereby stricken out, and the words "tax collector" are hereby inserted in lieu thereof.

Purchase of land sold for taxes.

Sec. 11. That after the word "treasurer," in line seven of section forty-one thereof, the words "or tax collector" be and the same are hereby inserted.

Tax collector to give receipts.

Sec. 12. That the words "town constable," in line two of section forty-two thereof, be and the same are hereby stricken out, and the words "tax collector" are hereby inserted in lieu thereof; and that the words "tax collector" be inserted between the words "clerk" and "all," in line nine thereof.

Tax collector to execute deed.

Sec. 13. That the words "town constable," in line four, section forty-three, be and the same are hereby stricken out, and the words "tax collector" inserted in lieu thereof; and that the word "constable," in line eight of said section forty-three, be and the same is hereby stricken out, and the words "tax collector" inserted in lieu thereof; and the word "constable," in line nine of said section, is hereby stricken out, and the words "tax collector" are hereby inserted in lieu thereof.

Sales by tax collector.

Sec. 14. That the word "constable," in line two of section forty-four, be and the same is hereby stricken out, and the words "tax collector" hereby inserted in lieu thereof; and that after the word "treasurer," in line five of said section forty-four, the words "or tax collector" be and the same are hereby inserted.

Town ordinances to be posted.

Sec. 15. That the word "and," between the words "days" and "all," in section forty-seven, be and the same is hereby stricken out, and the word "but" inserted in lieu thereof; and that all of the words of said section after the word "after," in line four of said section forty-seven, be and the same are hereby stricken out, and the following inserted in lieu thereof: "Their adoption by the board of commissioners of said town."

Commissioners to borrow money.

Sec. 16. That section 47a be and the same is hereby added to the charter of the said town: "That the commissioners of said town shall have the right to borrow money for any and all necessary expenses, and pledge the credit of the said town for the repayment of the said money."

Sec. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 151.

AN ACT TO AMEND THE CHARTER OF THE NEW BERN BANKING AND TRUST COMPANY.

Preamble.

Whereas, the New Bern Banking and Trust Company was incorporated by the Secretary of State on July sixteenth, one thousand nine hundred and six; and whereas, letters of incorporation were duly issued by him to James B. Blades, L. S. Blades, L. Carl Blades, George B. Pendleton and W. T. Old, their successors and assigns, and by said letters of incorporation they were authorized to do a commercial and savings bank business in the city of New Bern, with a total authorized capital stock of one hundred thousand dollars, which said letters of incorporation so issued by the Secretary of State bear date the sixteenth day of July, one thousand nine hundred and six; and under said letters of

incorporation and the authority therein said parties named have duly organized, and are now conducting the business authorized by the charter; and whereas, the board of directors of said corporation have passed a resolution declaring that an extension of the corporate powers and privileges is advisable; and whereas, at a meeting of the stockholders to take action thereon, held on the fifth day of February, one thousand nine hundred and seven, it was unanimously resolved that the powers, rights and privileges of said New Bern Banking and Trust Company be changed and altered as hereinafter set out, and that the authorized capital stock thereof be increased from one hundred thousand dollars to four hundred thousand dollars as hereinafter specified: now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the action of the New Bern Banking and Trust Company is hereby ratified and confirmed. Action of company confirmed.

Sec. 2. That the aforesaid New Bern Banking and Trust Company, of New Bern, North Carolina, which has been organized under the laws of the State, with letters of incorporation issued by the State, is hereby made, created and confirmed as a corporation of the State of North Carolina, with full power to sue and be sued, and to adopt and have a common and corporate seal, under the name and style of the New Bern Banking and Trust Company, and by which name it shall have the rights, powers and privileges incident to a corporation. Incorporation confirmed. Corporate name.

Sec. 3. That the capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of the par value of one hundred dollars each, with the power in the stockholders to increase said capital stock at any time to any amount not exceeding one million dollars. Capital stock.

Sec. 4. That the principal office and place of business of said corporation shall be in the city of New Bern, State of North Carolina; and the business of said corporation shall be managed by a board of not less than nine or more than fifteen directors, who shall choose such officers as they may deem necessary for the conduct of the business hereinafter authorized, and adopt such needful by-laws, rules and regulations for the conduct of the business, in accordance with the provisions of this act, as they shall deem necessary; and said corporation shall have the power to make contracts, sue and be sued in the courts of this State, as fully as natural persons; to buy, hold, possess and convey real, personal and mixed property, and to do all lawful acts and doings, and exercise all lawful powers and privileges which may be ordinarily incident to the conduct of a general banking business, with trusts and savings bank as hereinafter expressly allowed. Principal office. Directors, number and powers. Enumeration of corporate powers.

Sec. 5. The said corporation shall have the right to do a general banking business; to receive deposits, make loans and dis- General banking business.

counts; to obtain and procure loans for any person, company, partnership or corporation; to invest its own money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments or personal property, or interest therein of any description; to lend money upon, or purchase or otherwise acquire, bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable papers, or any crops of produce whatever, or any stock bullion, merchandise or other personal property, and to sell and dispose of the same in any manner which to the said corporation may seem proper.

May own stock of other companies.

Sec. 6. That said corporation may own by purchase, pledge or otherwise the capital stock of any other corporation, and may, by its duly constituted agent, cast the vote which the stock owned by it may entitle it to cast in the meetings of such other corporation; and it may engage as a dealer in stocks, shares, notes, bonds, debentures or other securities of any government, State, municipality, corporation, company, partnership or business; may engage or place said shares, stock, debentures, notes, mortgages or other security with or without guaranty or collateral obligations by said company; may sell or dispose of any of the property, real or personal, or any interest acquired by it, to any person or other corporation for any portion of its bonds, securities or obligations, as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. Said corporation may also receive on deposit all sums of money which may be offered, in such sums and at such times and on such terms as the board of directors may agree to.

Stock broker.

Deposits.

Savings bank.

Sec. 7. Said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks, with the right to receive deposits, the limit to be fixed by its board of directors, and to pay interest thereon at fixed rates, or by way of dividends, out of the net earnings, according to the terms to be agreed upon between the corporation and the depositors; and the board of directors are hereby fully authorized to adopt all proper rules and regulations for conducting and carrying into effect the savings bank feature of this corporation.

What company to receive.

Deposits of minors, apprentices and married women.

Sec. 8. Said corporation shall have the right to receive lawful currency of the country, bills of exchange, gold and silver coin, and to receive deposits from any and all persons, firms and associations and corporations, including minors, apprentices and married women or other persons, on such terms as may be prescribed by this charter and by the by-laws, or as may be agreed upon by the parties, and may open accounts with them in their own names, whether for investment or not; and when deposit shall be made in the name of any minor or married woman, the said corporation may deal with such minor or married woman in reference thereto

as though he or she was *sui juris*, and payments made to such minor or married woman on his or her receipt, or his or her check drawn against such deposit, shall be a valid and sufficient release and discharge to such corporation for such deposit and interest thereon or any part thereof.

Loans and security.

Sec. 9. Said corporation shall have the right to pay out lawful currency of the country, bills of exchange, gold and silver coin, and may take and receive interest on the same at the time of making the loan or otherwise, free from all other control, contract or liability whatever; and may take such real, personal or mixed property as security for any loan, upon such terms and trusts and conditions for the payment thereof, or for money advanced or expended, as may be considered safe, expedient and beneficial.

Interest on deposits.

Sec. 10. Said corporation may pay to its depositors, who allow their deposits to remain three months or more, such rate of interest as the directors may agree upon, said interest to be computed semi-annually and added to the principal as a deposit, unless the deposit be wholly withdrawn earlier; in which case, if it has been in the company's hands three months or longer, interest shall be computed and paid up to date of withdrawal. But it shall be in the power of the directors to alter this section at their will so as to reduce the time required for deposits to be on hand before interest begins, and so as to make the computation and addition of interest on deposits monthly or quarterly, as they see fit, and as often as they please.

May act as agent.

Sec. 11. Said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual, on such terms as to agency and commission as may be agreed upon, in registering, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of, on account of any State, town, municipality, corporation, company or person, bonds, certificates of stock, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business, and may charge such premium, commission or rate of compensation as may be agreed upon in and for any of the matters and things authorized in this charter.

May act in fiduciary capacities.

Sec. 12. Said corporation shall have the power to receive money in trust, to become executor or administrator of any estate, and to accept and execute any other trust that may be committed to it by the court, corporation, company, person or persons; and it shall also have the power to accept any grant or transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, and to execute the same on such terms as may be established and agreed upon by the board of directors.

Courts may appoint company in fiduciary capacities.

Sec. 13. That in all cases where application shall be made to any court of this State for the appointment of any receiver, trus-

tee, administrator, assignee, commissioner or guardian of any minor, or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the New Bern Banking and Trust Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person; and upon such settlement or adjustment all proper legal and customary charges, costs and expenses shall be allowed to said corporation for its services, care and management in the premises, and said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken in order for qualification to any of the offices or trusts above mentioned may be taken by any officer of said company, and the oath prescribed by law be so modified as to apply to corporations instead of individuals.

May act as trustee or assignee.

Sec. 14. Said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate.

Deposits for safe-keeping.

It shall have the power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and charge and collect for same a reasonable compensation, which said charge shall be a lien upon such deposits until paid; and generally to do and carry on the business of a

Bank of issue.

safety deposit and trust company. Said corporation shall also have the power to issue bills or notes to circulate as currency in such denominations as the board of directors may authorize, and under such regulations as are now authorized and provided or as may hereafter be authorized by the laws of the State or of the United States.

Powers of warehouse company.

Sec. 15. That, in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton and other products, and charge and receive commission, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien on the property so stored; make rules, regulations, contracts and by-laws fixing the terms and prices for storage, manner of inspection, form of receipts, insurance of property and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other products and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business and as are not contrary to law; and the receipts issued by said corporation shall be

and are hereby declared to be negotiable instruments, and pass by endorsement and delivery, and to entitle the bearer thereof to the property marked and designated therein, in such manner as the original holder would be had not such assignment been made: *Provided*, that in the absence of any stipulation in the receipt, or any contract between the said company and any depositor of the property in said warehouse, the said company shall be held and deemed to be liable to exercise only ordinary care in the custody and protection of such property.

Purchase of property under lien.

Sec. 16. Whenever any real or personal property upon which the company may have a lien of any kind shall be exposed to sale under authority of law, the president of the company may purchase the same for and on behalf of the company, and such purchase, though made at a sale by the company as trustee, shall be valid and binding upon all parties having or claiming an interest therein.

Principal office.

Sec. 17. That the principal office of said corporation shall be in the city of New Bern, but it is fully empowered and authorized to establish branches of its business at any other point or points in the State of North Carolina which may be decided upon by the board of directors, and such branch or branches when so established shall be and become as fully empowered for the transaction of the business herein authorized as is the original corporation.

Branches.

Insurance agency.

Sec. 18. Said corporation is authorized to act as agent for any life, fire or other insurance company, and is authorized to have an insurance department for the transaction of life, fire and other insurance ordinarily conducted by any company, person or individual in this State, under such laws, rules and regulations as may be prescribed for the conduct of such insurance business.

Sec. 19. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 152.

AN ACT TO CONFIRM AND ENLARGE THE POWERS OF CUMBERLAND SAVINGS AND TRUST COMPANY, OF FAYETTEVILLE, N. C.

The General Assembly of North Carolina do enact:

Charter confirmed.

Section 1. That the charter heretofore granted by the Secretary of State to Cumberland Savings and Trust Company is hereby confirmed, except as hereinafter amended.

Corporate powers.

Sec. 2. That Cumberland Savings and Trust Company, of Fayetteville, North Carolina, shall have continual succession for the

term of ninety-nine years, and is vested with all the rights and privileges of banking institutions under the general banking laws of this State.

Capital stock.

Sec. 3. That the capital stock of said corporation shall not be less than ten thousand dollars, which may be increased from time to time by consent of the majority of the stockholders to a sum not exceeding one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, payable as the directors may designate; and the shares, when fully paid up, shall be non-assessable; nor shall any stockholder be liable for any other sum on account of said subscription.

Company may act as fiduciary.

Undertaking in lieu of bond.

Sec. 4. That said corporation shall also have the power and authority to act as guardian, executors, administrators, receivers, assignees, trustees and fiduciaries of all kinds. In lieu of the bond required by law to be given by administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful, before assuming any such trust under order of any court, that said company shall file in the office of the Clerk of the Superior Court of Cumberland County an undertaking, with sufficient security, with either personal sureties or bonds of the State of North Carolina, or of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to the court and to be approved by the said clerk; and the said undertaking, so secured, may be accepted by the said clerk and held as such security in the sum of ten thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said company by order of any court of North Carolina, as aforesaid.

Undertaking sued on.

In case of willful default in the performance of any trust so committed to said company as aforesaid, the said undertaking may be sued upon by the party injured, or his personal representative, in the Superior Court of any county of North Carolina where such default may have been made. (And the Superior Court of Cumberland County, whenever it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all of said trusts, may require the said undertaking to be enlarged sufficiently to secure the faithful performance of the same). A copy of such undertaking, duly certified by the seal of the Superior Court of Cumberland County, and, if secured by the bonds of the State or of the United States or of any county or city or other security as aforesaid, a statement thereof, so certified, shall be evidence in all the courts of North Carolina. And the Superior Court, wherein the said company shall have been appointed guardian, executor, administrator, receiver, trustee or depository, shall have the power to make orders respecting such trust, and to require the said company to render all accounts which said court might lawfully make or require if such trustees were a natural person. And in accepting

any of the trusts or powers hereunder the said corporation may qualify by one of its executive officers.

Sec. 5. That any executor, administrator, guardian, receiver or other trustee or public officer, having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized to deposit the same with said company. Deposits of trust funds.

Sec. 6. That said corporation is hereby authorized and empowered to receive and keep on deposit jewels, plate, money, certificates of stock, bonds, notes or any other article of value whatsoever, which may be left for safe-keeping with said company, and shall be entitled to receive compensation for the same; and for the complete preservation of same said company may lease or build or purchase vaults and safes for such purposes. Deposits for safe-keeping.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 153.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LITTLETON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That subsection one of section twenty-nine of chapter one hundred and seventy-one, Private Acts of one thousand eight hundred and ninety-three, be and the same is hereby amended by striking out after the word "exceeding" and before the word "cents," in line three of said subsection, and inserting in lieu thereof the word "fifty"; and by adding after said subsection one of section twenty-nine of said chapter the following: "*Provided*, this amendment to raise the rate of taxation in the town of Littleton shall not take effect until after it shall have been ratified by a vote of a majority of the qualified electors of the town of Littleton. An election may be held at the same time and place of the regular town election. The town commissioners shall provide a box in which to vote. Those favoring the amendment shall vote a ballot with the words 'For Amendment' written or printed thereon. Those opposing shall vote a ballot with the words 'Against Amendment' written or printed thereon." Tax rate. Proviso: not effective until ratified by vote. Election. Box. Form of ballots.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 154.

AN ACT AUTHORIZING J. M. EDWARDS, TREASURER OF PIGEON TOWNSHIP GRADED SCHOOL, IN HAYWOOD COUNTY, NORTH CAROLINA, TO PAY OUT FUNDS NOW IN HIS HANDS BELONGING TO SAID GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Payment directed.

Section 1. That J. M. Edwards, Treasurer of Pigeon Township Graded School, in Haywood County, is hereby authorized and directed to pay over to S. J. Guyer, principal of Bethel Academy, all moneys that may now be in his hands belonging to Pigeon Township Graded School District, in payment for services rendered in accordance to contract with trustees of said school.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 155.

AN ACT TO AMEND CHAPTER 345 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1899, IN RELATION TO THE CHARTER OF THE PIEDMONT SAVINGS BANK.

The General Assembly of North Carolina do enact:

Section 1. That section four (4) of chapter three hundred and forty-five of the Private Laws of one thousand eight hundred and ninety-nine be amended as follows: That in line four of said section the figures and words "($20) twenty dollars" be stricken out, and the words "one hundred dollars" be inserted in lieu thereof.

Sec. 2. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 156.

AN ACT TO AMEND CHAPTER 504, PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

Date of election in Washington avenue supplemental school district.

Section 1. That chapter five hundred and four, Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby amended, by striking out the word "May," in line two of section seven, and inserting in lieu thereof the word "March."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 157.

AN ACT TO AMEND CHAPTER 89 OF THE PRIVATE LAWS OF 1905, THE SAME BEING AN ACT TO INCORPORATE "THE TUCKASEIGEE RAILWAY COMPANY."

The General Assembly of North Carolina do enact:

Section 1. That section eleven of chapter eighty-nine of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by adding at the end thereof the following: "That said 'The Tuckaseigee Railway Company' shall have two years from January first, one thousand nine hundred and seven, in which to begin the construction of its road and expend thereon ten per cent. of its capital." Time for beginning work.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 158.

AN ACT TO REPEAL CHAPTER 141, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1903, ENTITLED "AN ACT TO PROVIDE A DISPENSARY FOR THE TOWN OF CRESWELL AND TOWNSHIP OF SCUPPERNONG, IN THE COUNTY OF WASHINGTON."

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and forty-one (141), Private Laws of North Carolina, session of one thousand nine hundred and three, be and the same is hereby repealed. Law repealed.

Sec. 2. On and after the ratification of this act it shall be unlawful for the board of dispensary commissioners for the said town of Creswell and township of Scuppernong to purchase any spirituous, vinous or malt liquors, or any other supplies for said dispensary. Further purchases forbidden.

Stock and property to be sold.

Sec. 3. On or before the first day of April, one thousand nine hundred and seven, the said board of dispensary commissioners shall sell or cause to be sold in said dispensary all the stock of liquors and other property belonging to said dispensary, subject to the provisions and regulations prescribed by chapter one hundred and forty-one (141), Private Laws of North Carolina, session of one thousand nine hundred and three. And it shall be the duty of the treasurer of said board of dispensary commissioners, and he is hereby expressly commanded to make, on or before the first Monday in April, one thousand nine hundred and seven, full settlement of all accounts, due and to become due, of said dispensary; to pay all taxes for which it shall be liable, and to make final and complete distribution of any and all moneys remaining in his hands derived from said dispensary, as is provided in section six, chapter one hundred and forty-one, Private Laws of North Carolina, session of one thousand nine hundred and three.

Treasurer to make settlements.

Books, bills, vouchers and records to be deposited.

Sec. 4. It shall be the duty of said board of dispensary commissioners, the chairman or treasurer and manager, to deposit all books, bills, vouchers and records relating to the business of said dispensary in the office of the Superior Court Clerk, in the courthouse in Washington County, and it shall be the duty of the solicitor of that judicial district, at the next succeeding term of the Superior Court for said county of Washington, to make a careful examination of said books, papers and records, and report such facts as may be material to the judge holding said court, who shall either direct the discharge of all bonded officers of said dispensary, and of such other persons as may have been charged with the business of such dispensary, or order such action as to him shall seem proper: *Provided*, the said books, records, vouchers and papers must be deposited as above directed not later than the first Monday in April, one thousand nine hundred and seven.

Solicitor to examine records.

Sale of liquors under general law.

Sec. 5. On and after the first Monday in October, one thousand nine hundred and seven, it shall be lawful for the qualified voters of the town of Creswell, in the county of Washington, to regulate the sale of liquors in said town in accordance with all the provisions of chapter forty-nine (49), Revisal of one thousand nine hundred and five, of North Carolina. All special regulations of the liquor traffic applying particularly to the town of Creswell, and enacted prior to one thousand nine hundred and three, are hereby repealed.

Special regulations repealed.

Misdemeanor.

Sec. 6. Any person violating the provisions of this act shall, upon conviction, be adjudged guilty of a misdemeanor, and may be fined not to exceed five hundred dollars or imprisoned twelve months, or both, in the discretion of the court.

Punishment.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 159.

AN ACT TO INCORPORATE THE ELKIN AND ALLEGHANY RAILWAY COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That W. C. Fields, R. A. Doughton, H. G. Chatham, R. M. Chatham, C. W. Smith, A. A. Woodruff, H. E. Fries, J. N. Edwards, E. F. McNeer, A. G. Click, John T. Miller, C. C. Smoot, W. E. Cox and C. F. Fields, and such other person or persons as may be associated with them, their successors and assigns, are hereby created a body corporate under the name of the Elkin and Alleghany Railway Company, for the purposes hereinafter described; and under the aforesaid name and style shall have perpetual succession, and shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal and alter, renew or break the same at pleasure; and shall have, possess and enjoy all rights and privileges of a corporation or body politic under the general law, and also rights, privileges and franchises herein given. Corporators. Corporate name. Corporate powers.

Sec. 2. That said company shall have and it is hereby given the right and power to locate, construct, equip, maintain and operate, by steam power or electric power, a railroad, or any part thereof, upon one or more tracks, standard gauge or otherwise, from some point at or near Elkin, Surry County, North Carolina, through the counties of Surry, Wilkes, Alleghany and Ashe, by way of Sparta or its vicinity, or through any one or more of said counties to such point on the North Carolina and Tennessee line, or North Carolina and Virginia line, by such route as it may select; and it may also construct, maintain and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion and operation of such railroad. And for these purposes it shall have the power to construct dams, culverts, trestles and bridges over and across streams, valleys and depressions; and it shall have the right to cross any navigable stream on its route; it shall have the right to cross at grade or over or under, to intersect, join or unite its railway with any other railway now constructed or that may be hereafter constructed in this State upon the ground of such other companies at any point on its route, and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction; and may, in making any intersection or connection with another road, have all the rights, powers and privileges conferred upon railroads by chapter sixty-one of Revisal of one thousand nine hundred and five, or any act of Assembly amendatory thereof. Said company shall also have the right to locate such station or stations along Power to construct railway. Beginning. Route. Branch lines. Right to cross other railways. Stations.

Schedules.

its railroad, and arrange such schedule or schedules for the running of its passenger or freight cars or trains, as it may think proper. For the construction of a railway provided by this act, the company shall have, for the purpose of acquiring lands, easements or rights-of-way, all the rights, powers and authorities given to railroads under chapter sixty-one of Revisal of one thousand nine hundred and five of North Carolina, or any act of Assembly amendatory thereof, as fully as if the provisions of said chapter were incorporated in this act.

Right to acquire land and rights-of-way.

Exclusive right to carry passengers and freight.

Sec. 3. Said company, its successors or assigns, shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches, at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish; and it shall have the right to transport all manner of goods, United States mail or other property, and make and collect charges therefor, and to make, fix, charge and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Right to use roads and streets.

Sec. 4. Said company shall have the right and authority to use any public road or highway or street for the construction or operation of its railroad, cars, poles, lines or other equipment, under such reasonable regulations as the authorities controlling said roads, highways or streets respectively shall, upon application from the company, prescribe.

Capital stock.

Sec. 5. The capital stock of the said railway company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by the votes of its shareholders to an amount not exceeding three millions of dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him; such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in section one thousand two hundred and thirty-two and one thousand two hundred and thirty-five of chapter twenty-one of Revisal of one thousand nine hundred and five for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and ten thousand dollars shall be the minimum subscription on which said company may be organized. The company may receive cash, labor, material, bonds, stock, contracts, real or personal property, in payment of subscriptions to its capital stock. A majority of the corporators hereinbefore named, or such of them as shall be subscribers, may organize the said company by electing a board of directors and providing for the election or appointment of such other officers by said board of directors as may be necessary for the control and management of the business and affairs of said company; and thereupon they shall have and exercise all the

Proviso: increase of capital.

Stock vote.

Minimum capital.

Payment of subscriptions.

Organization.

powers and functions of a corporation under this charter and the laws of this State. No subscriber shall be individually liable for the debts of the company. Subscribers not individually liable.

Sec. 6. It shall be lawful for the said company to borrow money, and issue and sell its bonds from time to time, for such sums and on such terms as its board of directors may deem expedient and proper, for any of the purposes of the company; and may secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its property, real, personal or mixed; also on all its franchises, contracts, rights and privileges of every kind; and it may also, as the business of the company shall require, sell, lease or in any manner convey and encumber the same or any part thereof. Power to borrow money. Mortgage or deed of trust. May sell or lease.

Sec. 7. The said company may connect or unite its lines with those of any other railway company or companies, or consolidate and merge its stock, property and franchises with and into those of any other railroad company or companies incorporated under the laws of this State or any other State of the United States, operating or authorized to operate railway lines, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all its property, real, personal or mixed, its contracts and privileges and its charter rights and franchises to any such other company upon such terms as may be agreed upon between them, and may in like manner acquire by lease or purchase any or all of the property, real or personal or mixed, and all contracts and privileges and the chartered rights and franchises of any such other company or companies; and full power and authority is hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, leases, sales, mergers and changes of name. May unite or consolidate with other railway companies.

Sec. 8. The board of directors shall, as soon as they deem it practicable, proceed to locate the works of said company, and may have one or more locations from time to time as they may deem expedient; and the construction of some of said works shall be begun within five years after the ratification of this act. Location. Work to begin.

Sec. 9. That the principal office of said company shall be located at Elkin, North Carolina; and such branch offices as may be desirable for the purposes of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe. But by consent of the board of directors the principal office may be removed to any place within the State most expedient to the management of its works. Principal office. Branch offices. Removal.

Sec. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall go for the purchase of the land for the right-of-way and Procedure for condemnation of land.

depot purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five, and amendments thereto, or may file a petition before the clerk of the Superior Court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plot thereof. The clerk of the Superior Court shall thereupon issue a summons or notice to the owner, returnable to a day certain, after ten days' notice; and, after a hearing, shall, if not sufficient cause is shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damage of the land or right-of-way taken. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto; but general benefits pertaining to the public shall not be considered in reduction of damages. If the petition shall pray for a condemnation of the right-of-way only, the consideration or damages allowed shall be for the said easement only; but if for depot or building purposes, the consideration or damages shall be for the fee. The appraisers shall make their report to the clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court in term-time from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk.

Appeal.

Amount of land condemned.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of their road-bed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and warehouses they may condemn not exceeding ten acres in any one place; and in all cases where land or rights-of-way have been condemned the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and in such cases within two years from the removal of such disabilities.

Claims for damages to be filed within two years.

Part of line may be constructed and operated.

Sec. 12. A part of the railway line of said company may be constructed without completing its entire line, and the said part may be operated and charges may be collected therefor, notwithstanding the entire line of the company has not been completed.

By-laws.

Sec. 13. The stockholders of said company, or board of directors under a resolution of the stockholders, may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such times and places as the stockholders and board of directors may respectively prescribe.

Meetings of stockholders and directors.

Election of directors.

Sec 14. The board of directors shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election and until their successors are elected and qualified; and they shall choose from among their number a president, vice-president, secretary, and treasurer, but one or more of said offices may be held by the same person. In case of death, resignation or incapacity of any officer or member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

Term of office.

President and other officers.

Vacancies.

Public act.

Sec 15. This act shall be deemed and taken to be a public act, and a copy of any by-laws or regulations of the said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

Prima facie evidence.

Municipal corporations may subscribe to stock.

Sec. 16. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of the said company, or for bonds issued by the same, in the following manner: Upon presentation of a writing, signed by not less than fifty freeholders and resident tax-payers of the county, township, city or town, to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside a proposition to subscribe a definite sum named in said petition to the capital stock or bonds of said company, the board of commissioners of said county, or proper authorities of said city or town, may in their discretion order a new registration, and shall, within thirty days thereafter, order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition; at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by

Petition for election.

New registration.

Election to be ordered.

Form of ballots.

Law governing elections.

Notice of election. the general election laws of the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house door of said county and at every polling place of said county, township, city or town where

Returns. the said election shall take place; and the returns thereof shall be made to the board of commissioners of said county, or proper authorities of said city or town.

Bonds to be issued if subscription voted. Sec. 17. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscription, and shall issue coupon bonds to the amount of said subscription, in order to pay the same; and the bonds shall upon their face indicate on account of what county, town-

Denomination. ship, city or town they are issued. They shall be in a denomination of not less than one hundred dollars and not more

Maturity. than one thousand dollars each, and shall run for such number

Interest. of years and bear such rate of interest as the petition and order of election shall indicate.

Special tax for interest and sinking fund. Sec. 18. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay for the interest on the bonds issued on account of such county, township, city or town; and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which it was levied and col-

Investment of sinking fund. lected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

Company to issue bonds. Sec. 19. It shall be lawful for the said company chartered by this act to issue coupon bonds in such denomination and running for such a time and bearing interest at such a rate and payable at such time and place as the board of directors may direct, to be sold or hypothecated by the direction of said com-

Mortgage. pany; and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road may be divided and built in sections, which the said

company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Surry County, and upon registration in said county it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes. Registration.

Sec 20. That the board of directors of the penitentiary shall, on the application of the president of said company, approved by the Governor, turn over to said company convicts not otherwise appropriated, not less than fifty nor more than one hundred in number, to be worked in construction of said road, under the charge of sufficient guards and a superintendent, to be selected by said board of directors of the North Carolina State's Prison, or penitentiary, and subject to the said board of directors and to the prison rules and regulations adopted or prescribed by said board, as far as practicable; the said convicts to be furnished with necessary quarters and tools and implements with which to work on said railway, and be fed, clothed and maintained by the said board of directors of the said State's Prison, until the grading of said railway shall have been completed; the payment of such expenses to be made out of funds appropriated for the support of the penitentiary, or out of moneys or assets otherwise coming or belonging to or standing to the credit of said North Carolina State Prison; and the State Prison Board shall fix a fair value for the work done, and whenever and as often as so much as one thousand dollars shall have been expended or earned by the said board of directors of the said State's Prison under the provisions of this act, it shall be entitled to demand and receive, and said company shall issue and deliver to the said board of directors, a certificate for ten shares of the capital stock of said company of the par value of one hundred dollars each, made out in the name of the State of North Carolina, which shall become thereby a stockholder in said company to the extent of such shares, and shall be entitled to participate in the profits of said company *pro rata* with other stockholders, and to be represented and to vote its shares in all meetings of the stockholders in the same manner as other stockholders may be entitled to vote, through a proxy to be named or appointed by the Governor of the State of North Carolina: *Provided*, that if at the completion of the said road a fractional part of one thousand dollars shall have been expended by the said directors of the State's Prison after the issue of the last certificate for ten shares of stock, a corresponding amount of said capital stock, at its par value, shall be issued and delivered as aforesaid: *Provided further*, that upon delivery of said certificate of

Convicts to be worked on road.

Payment for convict labor.

Proviso: fractional payment.

Proviso: credit to State's prison for par value of stock.

stock so issued to the State Treasurer, credit shall be given to the said board of directors of the North Carolina State's Prison upon the books of the said State Treasurer for the par value of the shares of stock represented by such certificates.

Sec. 21. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 22. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1907.

CHAPTER 160.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HARRELLSVILLE, IN HERTFORD COUNTY, CHAPTER 138, PRIVATE LAWS 1883.

The General Assembly of North Carolina do enact:

Eastern boundary.

Section 1. That section four of chapter one hundred and thirty-eight of the Private Laws of one thousand eight hundred and eighty-three be amended as follows: That the eastern boundary of the said town of Harrellsville shall and the same is hereby extended one hundred yards further east, so as to take in the territory lying between the present eastern boundary of said town and a line one hundred yards further east of said eastern boundary.

Sec. 2. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 161.

AN ACT FOR THE RELIEF OF J. A. HENRY, A PUBLIC-SCHOOL TEACHER OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

To be paid for teaching.

Section 1. That the Treasurer of Anson County be and he is hereby authorized and required to pay J. A. Henry the sum of sixty dollars ($60) out of any public school money now due, or which may hereafter become due, District Number One for colored race, in Ansonville Township; said sum being a balance due him for services rendered in said district as teacher.

Sec. 2. That the said sum is not to be paid by the county treasurer, unless it is approved by the County Superintendent of Schools and the County Board of Education of Anson County.

Sec. 3. This act shall be enforced from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 162.

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF LINCOLN COUNTY TO CREATE A PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the County Board of Education of Lincoln County be and is hereby authorized and empowered to create a public school district in Catawba Springs Township, Lincoln County, comprising all the territory lying and being within the following boundaries: Beginning on Killian's Creek, at a point where the line of the lands of Mrs. Abner Goodson and W. H. Sigmons crosses said creek; then following the said creek to R. M. Mundy's line on the north side of his plantation; then a westerly course, including J. C. Thompson's residence, to the Wingate Creek near the Helderman line; then down the said creek to Battle's Ford road; then with Battle's Ford road to Kidsville; then to the beginning. Establishment authorized. Boundaries.

Sec. 2. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 163.

AN ACT TO PROVIDE A CHARTER FOR THE TOWN OF KELFORD AND APPOINT OFFICERS FOR SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Kelford be and the same is hereby revised and in all respects made valid. Charter validated.

Sec. 2. That until the next regular election to be held in said town under the laws of North Carolina governing municipal elections, the following shall be the officers of said town: J. E. Tyler, mayor; George T. Johnson, W. C. Evans, George T. Brown, commissioners; George V. Parker, town constable, and G. S. Cherry, town treasurer. Town officers.

Officers to qualify.

Sec. 3. That before entering upon the discharge of the duties of their respective offices the said above-named officers shall take the oaths of office and give the bond required by law.

Rights and powers.

Sec. 4. That the said above-named officers shall have all the rights and powers and be subject to the same obligations and duties now conferred upon and imposed on said officers by the existing laws.

Laws in regard to sale of liquor not repealed.

Sec. 5. That this act does not repeal any existing law relating to said territory, relating to the sale of intoxicating liquors.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 164.

AN ACT TO AMEND CHAPTER 71 OF THE PUBLIC LAWS OF 1901, IN RELATION TO THE PUBLIC SCHOOLS OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Payment by sheriff to school treasurer.

Section 1. That section one of chapter seventy-one of the Public Laws of one thousand nine hundred and one be and the same is hereby amended by adding thereto the following: "And the Sheriff of Durham County is hereby authorized and directed to pay the amount in his hands due to said district under any such apportionment directly to said treasurer; and said sheriff shall not pay any of it to the treasurer of said county."

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 165.

AN ACT TO INCORPORATE THE MACON COUNTY MONUMENTAL ASSOCIATION.

Preamble.

Whereas, the Confederate Veterans of Macon County, North Carolina, including alike those who sacrificed their lives either upon the field of battle or in obedience to their country's call, as well as those yet living and stumbling upon the brink of time, were a noble and patriotic body of men, whose devotion to principle was only equalled by their patriotism and valor; and whereas, deeply cherishing the memory of these fallen and fast falling

Preamble.

heroes, and their many acts of bravery and deeds of valor in the late war between the States, together with the sacred influence of their pure and noble lives as citizens and civilians: now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of erecting a suitable monument to those who sacrificed and offered their lives upon the altar of their country in the late war between the States, in a cause sacred and just, as an ever-loving reminder to succeeding generations of their valor and patriotism, as men devoted to principle and loyal to their country's cause, the following named persons and such others as now are or may become their associates, to-wit: Purpose.

Mrs. S. L. Rogers, Miss Kate Robinson, Mrs. N. S. Thomas, Mrs. Virginia Smith, Miss Lizzie Kelly, Mrs. Kope Elias, Miss Julia McDowell, Miss Ethel Deal, Miss Blanche Brabson, Miss Lily Rankin, Miss May McDowell, Miss Lassie Kelly, Miss Lizzie Curtis, Miss Anna Enloe, Miss Ida Enloe, Mrs. N. L. Barnard, Mrs. J. E. Hearst, Mrs. M. D. Billings, Miss Mary Jenkins, Miss Addie Wood, Miss Effie Love, Mrs. J. G. Siler, Mrs. Lee Crawford, Mrs. W. B. McGuire, Major N. P. Rankin, Sam. B. Gibson, G. W. Parrish, Alexander Holbrook, P. C. Wild, M. L. Kelly, Capt. W. E. McDowell, Joseph Morgan, W. A. Curtis, J. A. Deal, W. R. Stallcup, L. H. Allman, M. J. Mashburn, T. W. McLoud, A. M. Shope, J. A. Bates, C. L. Luther, G. A. Campbell, G. W. Angel, E. P. Doudle, W. C. Allman, William Berry, A. M. Dills, J. W. Quisenberry, B. M. Allen, T. R. Gray, John S. Henry, W. W. Moss, J. L. Strain, J. C. Gregory, David Norton, J. N. Arnold, Grundy Hill, John Scroggs, John L. McDowell, Dr. A. C. Brabson, John Bates, Thomas Liner, M. H. Norton, J. A. Baldwin, J. H. Deweese, D. J. Meadows, J. D. Tippett, Jule Robinson, Sam. L. Kelly, T. W. Porter, R. Furman Jarrett, J. R. Morrison, Logan A. Allan, J. T. Henry, Parker Moore, Walter Deal, Joe Dobson, Jeff Enloe, E. N. Bates, Lee Crawford, D. W. Blaine, E. C. Rankin, Arthur Siler, W. F. Curtis, J. H. McDowell, Charles Norton, Dr. F. L. Siler, Dr. J. H. Fouts, G. H. Dalrymple, W. T. Potts, J. O. Harrison, C. T. Roane, B. M. Angel, J. B. Cabe, C C. Cunningham, J. A. Porter, Alex. Moore, J. T. Gregory, John Moss, Theodore Watkins, Robert Brooks, Oscar Arnold, Medford Russell, H. Saunders, Willis Meadows, Cary Hall, Calvin Rickman, Ed. Parrish, Commodore McCoy, James Morgan, John Dean and W. B. Lenoir, are hereby constituted and declared a body politic and corporate by the name and style of "The Macon County Monumental Association"; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or otherwise real and personal property, and have such other powers and privileges as are incident or be- Corporators. Corporate name.

longing to corporations under chapter twenty-one of the Revisal of one thousand nine hundred and five, not inconsistent with the purposes of this act.

Location.

Sec. 2. That said association or corporation shall be located in the town of Franklin, Macon County, North Carolina, and the corporate powers of the association shall be vested in a board of managers to consist of not less than twenty persons, ten of whom shall be ladies. And the said association shall meet annually in May, and shall have power to elect at their annual meeting a president, secretary and treasurer and a board of managers out of their own number; and the president, or some one authorized to act in his place, and seven other members shall constitute a quorum for the transaction of business. And until the association is regularly organized under this act, and an election regularly held, the ten ladies and ten gentlemen first named in section one of this act shall constitute the board of managers; and they shall meet in Franklin, North Carolina, at a time not later than the first day of June, one thousand nine hundred and seven, and elect a president, secretary and treasurer out of their number, to serve until the permanent organization under this act is effected, notice of the time and place of the meeting to be given in some newspaper published in Macon County for fifteen days prior to said meeting.

Board of managers.

Annual meetings.

Officers.

Quorum.

Meeting for organization.

Notice of meeting.

Membership.

Sec. 3. That the membership fee of the association shall be one dollar, and any person paying the same shall, upon his or her application, become a member thereof.

Annual meetings.

Sec. 4. That there shall be a regular annual meeting of said association at some time in May of each year, at which meeting the officers and board of managers, who shall have the management of the affairs of the association for the ensuing year, shall be elected; said election to be held by ballot or otherwise in accordance with the constitution and by-laws adopted by the association.

Elections by ballot.

By-laws, rules and regulations.

Sec. 5. The board of managers shall have power to make such by-laws, rules and regulations, not inconsistent with this act, for the government of the association and the management and disposition of its funds in the erection of the monument in the town of Franklin, as from time to time they shall deem necessary, just and proper.

Subscriptions.

Sec. 6. That said association shall have power to receive subscriptions, either in money or property, real or personal, by donation or otherwise, and such subscriptions shall be faithfully applied in and toward the building and erection of the monument herein provided for.

Monument to be erected.

Sec. 7. That the association shall have power to build and erect, either on the public square or at some other convenient place in the town of Franklin, Macon County, North Carolina, a monu-

ment, not to cost exceeding five thousand dollars, of such design and material as shall be agreed upon; the same to stand as a perpetual memorial to perpetuate the memory of those brave soldiers who either lost or offered their lives in the service of the Confederate States: *Provided*, this monument shall be built of granite quarried in Macon County. Proviso: material.

Sec. 8. That all orders for money shall be signed by the president, countersigned by the secretary and approved by the association through its board of managers, and when so signed and approved shall constitute the only valid vouchers in the hands of the treasurer in any settlement required of him by law or the laws of the association. Vouchers.

Sec. 9. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 166.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LILLINGTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and fifty-two of the Private Laws of one thousand nine hundred and three be and the same is hereby amended by striking out section three thereof, and inserting in lieu thereof the following:

"Sec. 3. That the boundaries and corporate limits of said town of Lillington shall be as follows, to-wit: Beginning at a point in the center of the intersection of Main and Front Streets, in said town, a line to be surveyed running north seventy-two degrees west forty chains, to the beginning point in the western boundary; thence south eighteen degrees west forty chains; thence south seventy-two degrees east eighty chains; thence north eighteen degrees east to the Cape Fear River; thence up the Cape Fear River to a point where the extension of the first boundary line would touch the bank of said river; thence south eighteen degrees west to the beginning, or western terminus of said town." Boundary.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 167.

AN ACT TO INCORPORATE MECHANICS AND FARMERS BANK, AT DURHAM, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That John Merrick, R. B. Fitzgerald, J. A. Dodson, James E. Shepherd, A. M. Moore, S. L. Warren, W. G. Pearson, John R. Hawkins, W. G. Stevens and their present and future associates, successors and assigns, be and they are hereby constituted a body politic and corporate under the name and style of Mechanics and Farmers Bank of Durham, North Carolina, and shall so continue for a period of sixty years, with power to sue and be sued, to maintain and defend actions in its corporate name, to take, hold, buy, sell and convey real and personal property, and conduct, transact and carry on a general banking business in its fullest scope and meaning; with all the powers, rights, privileges and immunities herein specially granted, together with all the rights, powers, privileges and immunities granted by the provisions of chapter seven, volume two of The Code of North Carolina, and the laws of said State amendatory thereto; and in addition thereto all those contained in chapter two of the Public Laws of North Carolina of one thousand nine hundred and one and any amendments thereto, and contained in chapter two hundred and seventy-five of the Public Laws of North Carolina of one thousand nine hundred and three and all amendments thereto.

Corporate name.

Term.

Corporate powers.

Capital stock.

Sec. 2. That the capital stock of said corporation shall be ten thousand dollars, with the privilege on the part of the stockholders or a majority thereof to increase the same to any further sum or amount, not to exceed fifty thousand dollars. And said capital stock shall be divided into equal shares of the par value of twenty-five dollars each.

Principal office.

Sec. 3. That the location of the principal office of said bank shall be in the city of Durham, Durham County, North Carolina.

Books of subscription.

Sec. 4. That the corporators above named or a majority of them are hereby empowered to open books of subscription to the capital stock of said bank or corporation, at such times and places and for such periods as they shall determine.

Organization.

Sec. 5. That whenever two thousand dollars of said capital stock shall have been subscribed for and paid in cash the above-named incorporators, or a majority of them, or a majority of those who have subscribed for the capital stock, shall call a meeting of the subscribers for said capital stock, at such time and at such place in the city of Durham [as they shall select], giving three days' notice by mail of the time and place of such meeting to each subscriber, when and where such stockholders shall elect

Directors.

directors, not less than three nor more than nine, who shall hold office for one year, or until their successors have qualified; and such directors shall be empowered to elect a president and vice-president and cashier and other officers, and adopt by-laws, not inconsistent with the laws of North Carolina; such officers to hold office for one year, or until their successors have qualified. President and other officers. By-laws.

Sec. 6. That the said board of directors may adopt and use a seal, and may break and alter the same at pleasure; may prescribe the manner of paying for stock in cash and transferring the same; may regulate the method of conducting the business of the bank; may do a general banking business, and exercise all the powers, rights and privileges conferred by the laws of the State on banks and corporations; may lend money at such rates of interest as may be agreed upon, subject to the general laws of the State; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages on real or personal property, or both, or upon liens upon crops, planted and unplanted; may buy, build or lease a banking house or houses, and may sell and exchange the same at pleasure; may negotiate loans or mortgages on real and personal estate at any rate of interest, not exceeding the legal rate, that may be agreed upon. They shall direct when dividends of profit shall be declared. Common seal. Payment and transfer of stock. General banking powers.

Sec. 7. That the said bank or corporation shall have the power to take and receive and pay out the lawful currency of the country; to deal in exchange, gold and silver coin, bullion, current and uncurrent paper, and public and other securities and evidences of debt; may purchase and hold such real estate and other property as may be conveyed to secure debts to said corporation, and may sell any and all of such said property to satisfy any debt secured thereby due said bank; may purchase and hold real estate for the transaction of its business, and at pleasure sell and exchange the same; may discount notes and other evidences of debt, and lend money on such terms as shall be agreed upon, at any rate of interest not to exceed the legal rate of interest in this State, which said interest may be taken in advance at the time the loan is discounted. It may receive money on deposit on such terms as the depositor and the officers of said bank may agree upon. Further banking powers.

Sec. 8. That such bank or corporation may purchase, hold and convey real estate for the following purposes only: First. Such as shall be necessary for the convenient transaction of its business, including, with its banking offices, other apartments to rent as a source of income, which investment shall not exceed twenty-five per cent. of its paid-in capital stock and permanent surplus. Second. Such as is mortgaged to it in good faith by way of security for loans made or moneys due to such bank. Third. Such Purchases of real estate. For use of bank. Under mortgage. In satisfaction of debt.

as is conveyed to it in satisfaction of debts previously contracted in the course of its dealings. Fourth. Such as it acquires by sale on execution or judgment of any court in its favor.

Sale under execution.

Deposits of trust funds.

Sec. 9. That said bank may receive on deposit money held in trust by guardians, administrators, executors and any and all other persons, and issue certificates therefor; said certificates bearing interest at such rate as may be agreed upon by the parties, which certificates shall be assignable and transferable under such regulations as may be prescribed by the president or other officers: *Provided*, that this section shall not release any guardian from his liability to his ward for the legal rate of interest.

Proviso: guardian not released.

Individual responsibility of stockholders.

Sec. 10. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for the other, for all the contracts, debts and engagements of said bank to the extent of the amount of their stock therein at par value thereof, in addition to the amount invested in such shares.

Deposits of married women, minors and apprentices.

Sec. 11. That when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specifically, to their own credit, they or any of them may draw the same on their own checks, orders or receipts, and be bound thereby; and such married woman, minor or apprentice shall be bound by such individual checks, orders or receipts; and said checks, orders or receipts shall be a valid and sufficient release to said corporation against such married woman, minor or apprentice and all other persons whatsoever.

Savings bank business.

Sec. 12. That said bank is authorized and empowered, in connection with its general banking business, to organize and conduct a department for savings and do a savings bank business; and shall have all the rights, powers, privileges and immunities necessary or incident to the conduct of such a business, together with all the rights and powers conferred upon similar institutions under the general law of North Carolina.

Stock vote.

Sec. 13. That each stockholder shall be entitled, in all meetings of stockholders, to cast one vote for each share of stock held by him.

Stock to be paid in cash.

Sec. 14. That all of said capital stock of ten thousand dollars shall be *bona fide*, paid in in cash, before the bank shall be authorized to begin business.

Sec. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 168.

AN ACT TO CHARTER NAZARETH ORPHANS' HOME, IN THE COUNTY OF ROWAN.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That J. M. L. Lyerly, W. B. Duttera, W. H. McNairy, J. L. Murphy, J. D. Andrew, Paul Barringer, S. W. Beck, C. B. Heller, W. H. Causey, J. H. Moose, T. W. S. Grimes, L. M. Peeler and their successors in office are hereby created a body politic and corporate by the name and style of "The Managers of Nazareth Orphans' Home," and by that name may have perpetual succession; may sue and be sued, plead and be impleaded; may have a common seal, and may purchase, take, receive and hold any real or personal property whatsoever, and may sell, transfer, mortgage and convey any such property. But nothing in this section shall authorize the said managers to use or dispose of any property given, bequeathed, devised or conveyed to them, contrary to the conditions annexed to such gift, bequest, devise or conveyance.

Corporate name.

Corporate powers.

Home for orphans to be established.

Sec. 2. That the said managers may establish at or near Crescent, in the county of Rowan, a home for the care, control, education, maintenance and support of such indigent orphan children as the managers may desire to provide for; which children shall be received only upon compliance with such rules as the managers may prescribe for their reception. That the managers may make by-laws for the government of the home and for the preservation of good morals therein, and may discharge any child so received in the home whenever, in their opinion, the good of the institution so requires. That any child or children, when so received, shall be under the care and control of the managers, and any one who shall take or remove from the home any such child or children without the consent of the managers, or who shall aid or abet in such removal, shall be guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, in the discretion of the court.

Rules to be prescribed for reception.

By-laws.

Children under control of managers.

Removal a misdemeanor.

Punishment.

Number of managers.

Sec. 3. That the managers of the said home shall not exceed twelve (12) in number, all of whom shall be elected by the Classis of North Carolina, Reformed Church in the United States; and the managers shall at all times be amenable to the said Classis, and may be removed by such Classis at any time for cause. That the managers shall be elected by the said Classis under such rules and regulations as the Classis may prescribe, and the term of office of each of the managers shall be fixed by the Classis.

Electorate.

Election.

Trusts to use of orphanage.

Sec. 4. That all gifts, grants, purchases, devises or bequests, or the proceeds of such, made to the said managers, shall be held by them in trust for the use and benefit of the Classis of North Carolina, Reformed Church in the United States, for the purpose of maintaining the orphans' home, when the conditions of the gift, grant, bequest or devise does not otherwise forbid.

Organization of managers.

Sec. 5. That the managers shall elect one of their number president, also a secretary and a treasurer. They may also elect

Superintendent of home.

a superintendent for the home and such teachers and servants as they may deem necessary for the successful operation of

Salaries.

the institution. They shall also fix the salary attached to each officer, but the superintendent, by and with the consent of the managers, may fix the compensation of the servants of the home.

Play tables and sale of liquors to inmates forbidden.

Sec. 6. It shall be unlawful for any person to set up or continue any gaming or billiard table, or any device whatever for playing at any game of chance or hazard, by whatever name called; or to make, sell, give or transmit to any inmate of the home, or to any one connected therewith, any spirituous or malt liquors, without the written permission of the superintendent of

Misdemeanor.

the home. Any person violating this section shall be guilty of a

Punishment.

misdemeanor, and shall be fined or imprisoned, or both, in the discretion of the court.

Amount of property to be held.

Sec. 7. That the real estate of the said corporation hereby created shall not exceed in value the sum of three hundred thousand dollars, and the personal property thereof shall not exceed in value the sum of three hundred thousand dollars.

Property exempt from taxation.

Sec. 8. That the real estate owned by the said corporation, or that may hereafter be acquired by it, not exceeding three hundred thousand dollars in value, including the land upon which the home is erected and that adjacent thereto, shall be exempt from taxation; and that the personal property thereof, including money, not exceeding three hundred thousand dollars in value, shall be exempt from taxation so long as the same is used for the purposes herein expressed.

Change of location.

Sec. 9. That the managers are authorized, by and with the consent of the Classis of North Carolina, Reformed Church in the United States, to change the location of the home at any time.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 169.

AN ACT TO CREATE A FREE SCHOOL DISTRICT IN ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That a free school district be and the same is hereby established in Alleghany County, Cherry Lane Township, with the following boundaries: Beginning on top of the Blue Ridge, where the lines of Alleghany, Wilkes and Surry Counties meet, and running by way of Robert Smith's to J. C. Roberts', and thence to John Brooks' place, on Mitchell's River, and then down the river to the county line, so as to include Paulina Medley and J. W. Luffman, and then with the county line to the top of the Blue Ridge, and then to the beginning. Boundary.

Sec. 2. That said district so established shall be entitled to receive its *per capita* amount due to the public school population of said county and other funds to which it shall be entitled by law. Apportionment of school fund.

Sec. 3. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 170.

AN ACT TO AMEND CHAPTER 3 OF THE PRIVATE LAWS OF 1905, CREATING THE LINCOLNTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter three of the Private Laws of one thousand nine hundred and five be and the same is hereby amended, as follows: By striking out the word "three," in line two thereof, and inserting in lieu thereof the word "five." Number of trustees Lincolnton graded school. By striking out the word "and," in line four thereof, and inserting after the name of W. W. Motz, and before the word "shall," Trustees named. the following: "D. T. Johnson and R. A. Yoder." That after the word "nine," and before the word "as," in line ten, insert the following: "that the term of D. T. Johnson shall expire on the first Monday in June, one thousand nine hundred and ten; that the term of R. A. Yoder shall expire on the first Monday in June, one thousand nine hundred and eleven." Terms of additional trustees.

Sec. 2. That this act shall be in force from and after its date of ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 171.

AN ACT TO PROVIDE FOR MINORITY REPRESENTATION IN ALL TOWN ELECTIONS AT HAMLET, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Petition for appointment of election officers.

Section 1. That upon petition or petitions signed by not less than fifty qualified voters, who have not signed or whose names do not appear on any other petition or petitions under this act, presented to the Board of Commissioners of the Town of Hamlet, asking to have representation in the management and holding of any town election in said town, by the appointment of the two qualified voters named in said petition or petitions as judges and managers of said election, it shall be the duty of said board of town commissioners, and they are hereby directed and required to receive and grant said petition or petitions, and to appoint as judges and managers of said election the persons named therein.

Powers and duties.

Sec. 2. The judges and managers of election appointed under this act shall have the same powers, discharge the same duties and be liable to the same penalties as are provided by law in the cases of other judges and managers of election in said town.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 172.

AN ACT FOR THE RELIEF OF MARY A. WATKINS, A PUBLIC-SCHOOL TEACHER OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

To be paid for services as teacher.

Section 1. That the Treasurer of Anson County be and he is hereby authorized and required to pay to Mary A. Watkins the sum of fifteen dollars and sixty-five cents ($15.65) out of any public school money now due, or which may hereafter become due District Number Five for colored race, Lilesville Township; said sum being a balance due for services rendered as teacher.

Account to be approved.

Sec. 2. That the said sum is not to be paid by the county treasurer unless it is approved by the County Superintendent of Schools and the County Board of Education of Anson County.

Sec. 3. This act shall be enforced from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 173.

AN ACT TO CHANGE THE BOUNDARIES OF MAPLEVILLE GRADED SCHOOL DISTRICT, IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the boundary lines of Public School District Number Two of the white race in Louisburg Township, Franklin County, known as the Mapleville District, be changed so that where the line of said district goes through the lands or home place of J. H. Wheless, the said boundary lines shall, instead, follow the boundaries of the said home place of J. H. Wheless, so as to leave the said home place of J. H. Wheless out of said district. New boundary.

Sec. 2. This act shall be in effect immediately upon its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 174.

AN ACT TO AMEND CHAPTER 1, PRIVATE LAWS OF 1905, ENTITLED "AN ACT REPEALING CHAPTER 84 OF THE PRIVATE LAWS OF 1897, ENTITLED 'AN ACT TO INCORPORATE THE AUXILIARY BOARD OF HEALTH OF EDGECOMBE COUNTY.'"

The General Assembly of North Carolina do enact:

Section 1. That the words and figures "five hundred dollars ($500)," appearing in the third line of the second section of said act, be stricken out, and the words and figures "one thousand dollars ($1,000)" be substituted therefor; and the words "five hundred dollars," appearing in lines five and six in said act, be stricken out, and the words "one thousand dollars" be substituted therefor; and by adding after the word "treatment," appearing in line nine of section two of said act, the following words: "said paupers to be admitted to said hospital for treatment, according to such rules and regulations as the Board of Commissioners of Edgecombe County and the Board of Managers of the Pittman Hospital may adopt," and by striking out the remainder of said section. Appropriation to Pittman hospital made $1,000.

Sec. 2. The Board of Commissioners of Edgecombe County are hereby authorized and empowered, at any time it may be deemed advisable, expedient or for the interest of the county, to take over, receive by deed of gift, purchase or acquire by other means

such property as may be necessary for the operation and maintenance of a hospital, and to establish such rules and regulations as may be necessary for its government.

Sec. 3. Whenever such a hospital shall be established the force and effect of section one of this act shall cease and determine.

Sec. 4. That the force and effect of section one of this act shall be discretionary, and not compulsory, on the board of county commissioners.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 175.

AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF THE CITY OF ASHEVILLE TO TAKE UNDER CONTROL THE FREE KINDERGARTEN SCHOOLS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Committee to take control.

Section 1. That the School Committee of the City of Asheville be and they are hereby authorized to take under their control, and make a part of the public schools of Asheville, all pupils of a minimum age of not less than three years, for the purpose of having them taught in kindergarten schools, a system of which shall be maintained in said city by said school committee; and to receive from the Asheville Free Kindergarten Association, as a gift, along with the taking over of the said kindergarten pupils, all lands, houses, school-room equipment and other school property now owned and controlled by said Asheville Free Kindergarten Association; all of said property to be held in fee-simple by said school committee and their successors in office as a part of the public school property of said city of Asheville: *Provided, however*, that said school committee shall maintain, support, carry on and conduct in said city such free kindergarten schools as may at all times be necessary for the accommodation of such pupils as should properly be taught and trained in schools of this character.

Gift from free kindergarten association.

Proviso: kindergarten to be maintained.

Part of school population.

Sec. 2. That said kindergarten pupils so taken under control shall become and constitute a part of the public school population of the city of Asheville; and as such shall be entitled to all the rights, benefits, privileges and advantages of the public schools of said city, so far as their age and advancement will permit them to receive the same.

Sec. 3. That the minimum age of three years, herein allowed for the admission of said pupils, shall not apply to the general school population of the city, but only to the pupils composing the present kindergarten schools of the city of Asheville, or to like schools or departments in schools of the city of Asheville, or to like schools or departments in other schools which may hereafter be authorized by the said school committee. Kindergarten age.

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 176.

AN ACT TO CHANGE THE BOUNDARY OF SCHOOL DISTRICT NO. 21, IN THE COUNTY OF POLK.

Whereas, pursuant to section four thousand one hundred and fifteen of the Revisal, the Board of Education of Polk County has established Special School District Number Twenty-one in said county, and a special school tax has been voted therein, as provided by said section; and whereas, it is inconvenient for that portion of said district lying on the north of Green River and on the east of the public road leading from the Mills Gap road to the Cooper's Gap road to patronize said school; and whereas, the residents of said territory desire to belong to District Number Twenty-nine, on the north of said Green River: Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the northern boundary line of said district be changed so as to run from the corner of the outside boundary of R. M. Foster's land and the lands of Mrs. R. L. Hamilton with the dividing line between said lands to Green River, thence with the river to where the present line of said district strikes the river, at the eastern boundary of James Jackson's land. Northern line changed.

Sec. 2. That no school tax shall be levied for said district upon the property excluded from said district by the provisions of this act. Property relieved from tax.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after the date upon which District Number Twenty-nine votes a special school tax for said district. When act effective.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 177.

AN ACT TO DEFINE AND ESTABLISH THE BOUNDARIES OF SCHOOL DISTRICT NUMBER ONE, IN COLUMBUS COUNTY, INCLUDING THE TOWN OF WHITEVILLE.

The General Assembly of North Carolina do enact:

Boundaries.

Section 1. That the boundaries of School District Number One, in Whiteville Township, Columbus County, are hereby defined and established as follows: Beginning on the west side of the White Marsh, at W. G. Baldwin's upper corner, and running with his upper line to the Whiteville and Lumberton public road; thence south with said public road to W. R. Davis' avenue; thence south fifty-four degrees west with said avenue to its terminus; thence south fifty-four degrees west to the Whiteville and Toon's Bay public road; thence with said public road to Memory's Mill Branch; thence with said mill branch to the Whiteville and Fair Bluff public road; thence west with said public road one-half mile; thence on a direct line to the Atlantic Coast Line Railroad, where it crosses the Pine Log Swamp; thence with Pine Log Swamp to Sales Swamp; thence with Sales Swamp to the Whiteville and Conwayboro public road; thence south with said Conwayboro road to the New Brittan road; thence in a direct line to Forney Richardson's mill; thence due east to the White Marsh Swamp; thence up the White Marsh Swamp to the beginning.

Sec. 2. That all laws and clauses of laws and orders heretofore made in conflict with the provisions of this act are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 178.

AN ACT TO ESTABLISH AN INSTITUTE TO PROVIDE CHRISTIAN EDUCATION AND MANUAL TRAINING FOR BOYS AND GIRLS, AND TO DO OTHER INSTITUTIONAL WORK IN THE MOUNTAINS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Edgar Tufts, George Banner, Harper Beall, W. C. Brown, Isaac T. Avery, A. M. Ingold, F. B. Vance, Robert M. Burleson, S. L. Morris and J. P. Hall, and their successors in office, to be appointed and their terms of office fixed by Concord Presbytery, be and they are hereby created and declared a body cor-

porate and politic under the name and style of the Lees-McRae Institute, and as such shall have power to sue and be sued, plead and be impleaded; to receive, hold and invest as they may deem best any funds which have been or shall hereafter be devised or bequeathed to any person in trust for said Lees-McRae Institute, and to receive and hold forever any fund or property that may be devised, bequeathed or donated to said corporation, subject to the trusts imposed by the testator or donor and the approval of Concord Presbytery; and upon the organization of said trustees they shall have the power to adopt and use a common seal for and on behalf of said corporation. Corporate name. Corporate powers.

Sec. 2. That the persons named as incorporators in the preceding section, and their successors as aforesaid, shall hold in trust for the benefit of said institute forever the following property and real estate in Watauga and Mitchell Counties, in the State of North Carolina, to-wit: At Banner's Elk, Shawnee Township, Watauga County, one two-room building known as the Old Academy, with the lot whereon the same is situate, between the Methodist Church and the Presbyterian Church; a three-story frame building of twenty-two rooms, the lot whereon the same is situate, adjoining the Presbyterian Church, and held under the title made by L. E. Boston, and used for a girls' home; an academy building containing four class rooms on the first floor, and one public hall, with capacity for seating four hundred persons, and two music rooms on the second floor, used for recitation rooms, with the lot whereon the said building is situate, adjoining the girls' home, and purchased under court proceedings brought by the heirs of L. E. Boston; one two-story tenement house containing five rooms, including the lot whereon the same is situate, on a ridge in the rear of the academy buildings, on a strip of land purchased from John Wakefield; also a barn below the girls' home; forty-seven acres, more or less, of land with Elk River running through it; twenty-five acres of which is on the south side of Elk River, and held under title made by L. D. Lowe; seven acres in pasturage, bought of Sam. Banner and deed made by him; also the Elizabeth McRae scholarship of one thousand dollars, raised by the ladies of Wilmington Presbyterian Union; total value of the properties above described, seven thousand five hundred dollars; at Plum Tree, Mitchell County, Toe River Township, consisting of fifty-eight acres of timbered land on the side of Plum Tree Mountain, above the saw-mill of C. W. Burleson, purchased from George Lesk; seven acres of land, on which there is a dormitory of twenty-three rooms and three halls; this building is furnished and used as a boys' home; three acres, whereon there is an academy building known as Morris Hall, having four class rooms and a public hall, with a capacity to seat five hundred persons; the two last named properties held under deeds of gift from C. W. Property held in trust. Schedule of property.

Burleson for church and school purposes; a dormitory of twenty-five rooms, and the lot of land whereon the same is being constructed, and donated by T. B. Vance, on the west side of Toe River next to the store of T. B. Vance, to be used as a home for boys; also two acres of land, donated by L. B. Hughes and wife and Wilson Hughes and wife, located near Hughes' post-office, in the front of the home of L. B. Hughes, including the building in process of construction thereon, to be used for primary education; total value of these properties is nine thousand dollars; together with all other property and effects now held and used by said Lees-McRae Institute.

Schools to be carried on. At Banner's Elk. At Plum Tree. Primary school at Hughes'. Church, hospital and institutional work.

Sec. 3. That the said corporation is hereby authorized and empowered to have and maintain, conduct and carry on a Christian and Manual Training School for Girls at Banner's Elk, in Watauga County, State of North Carolina, and a Christian and Manual Training School for Boys at Plum Tree, in Mitchell County, in said State, and a primary school at Hughes, in said county, and also to do all such church, hospital or other institutional work at either or both of said points, or in any other county within the district of Concord Presbytery, as they may deem wise and expedient, subject to the supervision of said Concord Presbytery, in said State, as provided in the succeeding section of this act.

Concord presbytery to control corporation.

Sec. 4. That the said corporation shall be under the care and control of the Concord Presbytery, which shall fix the term of office of the trustees named in this act and elect their successors; that the trustees of said corporation shall have charge of its property, and shall have power and authority to elect the principals of the schools and the teachers therein; to devise plans of work, and to visit such schools and make report of the conduct and operations thereof to said presbytery, with such recommendations of changes and additions as they may deem wise and proper for its furtherance and success.

Trustees to have charge of property. Power and authority of trustees.

Annual meetings.

Sec. 5. That the annual meetings of said corporation shall be held on the first Wednesday in September in each and every year, at Plum Tree in one thousand nine hundred and seven, at Banner's Elk in one thousand nine hundred and eight, alternating these places each year thereafter successively.

By-laws.

Sec. 6. The trustees of said corporation shall have power to make such by-laws, not inconsistent with the laws of the State and the United States, as shall by them be deemed necessary to promote the objects of the corporation, including the right to elect from their number a president, vice-president and a secretary and treasurer or treasurers, and to define their duties.

President and other officers.

Property exempt from taxation.

Sec. 7. That so long as the property owned or to be owned by such corporation shall be used for church, school or charitable purposes, the same shall be exempt from all taxes, State, county and municipal.

Sec. 8. That for the purpose of making improvements or advancing the purposes for which said corporation is organized the said trustees shall, by and with the consent of Concord Presbytery, have the power to sell and convey any part or portion of the property of said corporation, and to create a debt or debts and secure the same by a mortgage or mortgages, or deed or deeds of trust, on the property of said corporation. Power to sell and encumber property.

Sec. 9. That the trustees of said corporation shall not be individually liable for the debts, contracts or torts of the corporation. Trustees not individually liable.

Sec. 10. That it shall be unlawful for any person to exhibit himself in a state of intoxication on the land and premises of said corporation, or to curse and swear aloud, or use any indecent, profane or blasphemous language or words, to the annoyance of any one or more persons thereon, in either of the counties where its lands are situate; and any person so offending shall, upon conviction, be fined not exceeding fifty dollars or imprisoned not exceeding thirty days for each and every offense. Drunkenness forbidden. Indecent, profane or blasphemous language. Punishment.

Sec. 11. That it shall be unlawful for any person, firm or corporation to manufacture or sell, or in any manner dispose of for gain, any spirituous, vinous or malt liquors within three miles of the schools, or either of them, to be conducted by said corporation in Mitchell and Watauga counties, respectively; and any person violating the provisions of this section shall, upon conviction, be fined or imprisoned in the discretion of the court. Sale of liquors prohibited. Punishment.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 179.

AN ACT TO AMEND AND RE-ENACT CHAPTER 236, PUBLIC LAWS OF 1897, INCORPORATING THE YADKIN RIVER POWER COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That the words "within five years after the ratification of this act," in the last line of section six of "An act to incorporate the Yadkin River Power Company," it being chapter two hundred and thirty-six of the Public Laws of one thousand eight hundred and ninety-seven, ratified the fifth day of March, one thousand eight hundred and ninety-seven, be stricken out, and the following words be substituted therefor, to-wit: "Within three years from and after April first, one thousand nine hundred and seven." Time for beginning of work extended.

Charter re-enacted.

Sec. 2. That, as amended by section one of this act, the said chapter two hundred and thirty-six, Public Laws of one thousand eight hundred and ninety-seven, be and the same is hereby re-enacted.

Sec. 3. This act shall take effect and be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 180.

AN ACT TO AMEND THE CHARTER OF MITCHELL COUNTY BANK.

Preamble.

Whereas, on the tenth day of August, one thousand nine hundred and five, George I. White, J. Q. Gilkey and D. E. Hudgins filed, in accordance with the banking laws of the State of North Carolina, their articles of agreement and plan of incorporation, under the name of the Mitchell County Bank, upon the terms and with the power in said articles and plan set forth; and whereas, the said incorporators organized the said company under said articles and plan: now, therefore,

The General Assembly of North Carolina do enact:

Incorporation confirmed.

Section 1. That the creation, incorporation and organization of said company, under the name of the Mitchell County Bank, for the purposes and upon the terms and conditions, and with the rights, powers and privileges set forth in said articles of agreement and plan of incorporation and organization, is hereby ratified, approved and confirmed.

Corporate powers.

Sec. 2. That the said company, its successors and assigns shall have all the rights, powers, privileges and immunities conferred upon banking and trust companies under the general laws of the State.

Powers incident to banks.

Sec. 3. The said company shall be invested with all powers and privileges usually incident to banking institutions, and the board of directors are fully authorized to adopt all other rules and regulations for conducting and carrying on the said banking business.

Principal office.

Branches.

Sec. 4. The principal office and place of business of said bank shall be in the town of Bakersville, North Carolina; but the directors and stockholders shall have the right and power to create and establish branch offices to said bank at Spruce Pine, Mitchell County, North Carolina, or at any other point in Mitchell County, in said State.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 181.

AN ACT TO ALLOW THE BANK OF GREENSBORO TO WIND UP ITS BUSINESS.

The General Assembly of North Carolina do enact:

Section 1. That the corporation known as the Bank of Greensboro, chartered by the General Assembly of North Carolina and ratified on the tenth day of April, one thousand eight hundred and sixty-nine, be and the same is hereby revived and re-chartered for the purpose only of enabling it to wind up its business by disposing of certain assets, and specially to allow it, through C. G. Wright, E. L. Gilmer and Neil Ellington, the sole and only parties interested, to convey certain real estate belonging to the said bank, and to authorize and empower said bank, through the parties above named, to mark satisfied of record a certain mortgage to it executed by O. S. Causey and wife, and recorded in book fifty, page two, in the office of the Register of Deeds of Guilford County.

Corporation revived.

Sole purpose of revival.

Sec. 2. That for the purpose of winding up the business of the said bank, Neil Ellington is hereby made president thereof and C. G. Wright, secretary; and any deed made in the name of said bank by said president and attested by said secretary shall be sufficient to convey the title of said bank; and they as such officers are likewise authorized and empowered to make entry of satisfaction of the mortgage referred to.

President and secretary.

Deed by bank.

Satisfaction of mortgage.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 182.

AN ACT TO INCORPORATE ROCK HILL BAPTIST CHURCH, SWAIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Will Stee Davis and Jonah Lossie, deacons, and Jim Keg and Ezekiel Ned, trustees of Rock Hill Baptist Church, in the county of Swain and State of North Carolina, their successors and associates in said offices of deacons and trustees of said church, are hereby incorporated and declared a body politic under the name and style of Rock Hill Baptist Church, of Swain County, North Carolina, with the right to sue and be sued, to plead and be impleaded.

Trustees incorporated.

Corporate name.

Corporate powers.

Sec. 2. That the said incorporators, their successors and associates as aforesaid, are hereby vested with the right to hold in their corporate name, for the benefit of said church, all property, both real and personal, now belonging to said church or that may be donated, devised or bequeathed to said church, or purchased by them for the use and benefit of said church; and to sell and dispose of the same, together with the property herein vested in them, at pleasure, and to purchase other property in its place for the use and benefit of said church, so far as is not inconsistent with the provisions of the Department of the Interior regulating Indian affairs.

Sale of liquors forbidden.

Sec. 3. That it shall be unlawful for any person or persons to manufacture, sell or give away any vinous, malt or other intoxicating liquors within a radius of three miles of said church.

Disturbances of the peace forbidden.

Sec. 4. That it shall be unlawful for any person or persons to disturb the peace of any people assembling in said territory for the purpose of holding religious services of any kind or for any other legal purpose, by acting in a rude and boisterous manner, by singing vulgar or impure songs, by using obscene or profane language, or by being under the influence of intoxicating liquors, so as to become a nuisance. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Misdemeanor.

Punishment.

Sec. 5. That this act shall take effect and be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1907.

CHAPTER 183.

AN ACT TO INCORPORATE THE TIDE-WATER POWER COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Hugh MacRae, M. F. H. Gouverneur, E. W. Van, C. Lucas, Thomas W. Davis, M. J. Heyer and Donald MacRae, and their associates and successors, be and they hereby are declared a body corporate under the name of the Tide-water Power Company, and by that name, or any alteration or amendments thereof, may sue and be sued; shall the power of succession for a term of sixty years, the power to make any and all kinds of contracts; to have and to use a common seal, and the same to alter at its pleasure; to receive, purchase, hold, improve, mortgage, convey, transfer and sell all kinds of property, both

Corporate name.

Corporate powers.

real and personal, goods, wares and merchandise; make and establish all such by-laws and regulations as shall be found meet and expedient for the government of the said corporation and the management of its business and property, not inconsistent with the Constitution and laws of the State of North Carolina or of the United States, and to do all lawful acts and things and to exercise all lawful franchises, rights, powers and privileges incident to corporations under the laws of this State.

Principal office.

Sec. 2. The principal office of the said corporation shall be in the city of Wilmington, North Carolina, where the first meeting of the incorporators, for the purpose of organizing the said corporation, shall be held; but the said incorporators and the stockholders of the said company shall have the right and power to change the principal place of business of the said company to some other point or place in the said State, and also to establish other places of business and branch offices in said State, and in any other State or States.

Change of office.

Branch offices.

Objects of corporation.

Sec. 3. That the objects for which said Tide-water Power Company is formed are to build and maintain a dam or dams in, on or across any river or stream, and at any place in the State of North Carolina, or any other State, for the purpose of utilizing the water power thereof; and to build, maintain and operate electric and other power plants, bridges and ferries, cotton mills, cotton gins, paper mills, pulp mills and all other kinds of mills and factories, canals, aqueducts, water-ways, waste-ways, wells and reservoirs needful for its mills, factories and other places of business; to make and sell power, light, heat, gas, electricity and goods and products of every kind and material; also to establish settlements or towns, and to supply to the public, including individuals and corporations, in towns thus established, or in other municipalities within the State of North Carolina or elsewhere, water for domestic or manufacturing purposes, power in the form of electrical currents, pneumatic or steam pressure, in any of the said forms, or in any or all other forms for use in driving machinery and for light, heat, or other uses for which the power so applied can be made applicable, and to fix, charge, collect and receive payment therefor; and for the purpose of enabling the company to supply power, as aforesaid, the company is authorized and empowered to buy, or otherwise acquire, generate, develop, use, transmit and distribute power of all kinds; and to locate, acquire, construct, equip, maintain and operate from any place or places in the State where the said company may establish plants to any other distributing point in the State where they may elect, and from the same to any other points by the most practicable routes, to be determined by the board of directors of the company, lines for the transmission of power by wire, on poles or under ground, by cables, pipes, tubes, conduits and all

other convenient appliances for power transmission, with such connecting lines between the lines above mentioned and also with such branch lines as a majority of the stockholders of the company may locate or authorize to be located, for receiving, transmitting and distributing power; and as appurtenances to the said lines of power transmission and their branches the company may acquire, own, hold, sell or otherwise dispose of water power and water privileges in the State of North Carolina and elsewhere, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, reservoirs, gates, bridges, tunnels, stations and other buildings, boilers, engines, machinery, switches, lamps, motors and all other works, structures and appliances, in the State of North Carolina; and shall also have the power to build, own, control and operate electric railway lines and other railway lines for the transportation of freight and passengers, and to charge, collect and receive tolls therefor; and may own, rent, lease or sell power for any other uses to which electricity, steam or water power can be applied.

Power to condemn land.

And the said corporation, for the purpose of acquiring lands or water rights which would be damaged by reason of the erection of a dam or dams, as aforesaid, or for street or electric railway purposes, and for the various other purposes set forth in these articles of incorporation, shall have power to condemn land, water

Procedure.

rights, or any easement or interest therein, and the proceedings for the condemnation of such lands, water rights or any easements or interest therein, shall either be as prescribed in chapter sixty-one, volume one, of the Revisal of one thousand nine hundred and five, and the laws amendatory thereof, or the said corporation may file a petition before the clerk of the Superior Court of the county wherein the land or the water rights lie, specifying the objects for which the land or water rights are desired, with a description thereof; the clerk of the Superior Court shall thereupon issue a summons or notice to the owner of the said land or water rights, returnable to a day certain, and, after ten (10) days' notice, and after a hearing, shall make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten (10) days after the appointment, and, after being duly sworn, assess the damages of the land, water rights or other easements or interest therein desired. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, water rights or other interests desired, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto. If the petition shall pray for the condemnation for the right-of-

way only, the consideration of damages allowed shall be for the said easement only; but if for lands or water rights, the consideration shall be for the fee. The appraisers shall make their report to the clerk of the Superior Court within ten (10) days from the time of their meeting on the premises; said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court in term-time from the approval or disapproval of the clerk, which appeal must be prayed within ten (10) days of the approval or disapproval of the clerk: *Provided*, that lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed, when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities respectively thereof shall, upon application from the company, prescribe: *Provided*, that nothing in this section shall be construed as giving this corporation power to condemn, without the consent of the owner, his dwelling-house, yard, kitchen, garden or burial ground.

Appeals.

Proviso: lines on streets and highways.

Proviso: limit on power to condemn land.

Sec. 4. That said corporation shall likewise have the right, power and authority to lay out, build, construct, maintain and equip with suitable rolling or other stock, and operate such roads, whether electric, steam or other railways, plank or turnpike, and to erect, establish maintain and operate such telegraph and telephone lines and apparatus as may be necessary; and shall likewise have the right, power, and franchise to charge such tolls, fares, fees and compensation as is reasonable for use, service or travel over such roads, turnpikes, bridges, canals, telegraph or telephone lines as it may erect, construct and operate.

Railways and turnpikes.

Telegraph and telephone lines.

Sec. 5. The said corporation, its successors and assigns, is also authorized and empowered to buy and own stock in other corporations; to lease or deal in or otherwise acquire lands, tenements, hereditaments and all other manner of real and personal property, including cotton mills, factories, office buildings, houses, water powers, mineral rights, roads, bridges, electric railways, and all kinds of real property or personal property whatsoever, to such an extent as may seem proper, and as fully as citizens of the State may do, and may sell and convey or lease the same to other persons or corporations; and said corporation is authorized to pay for such real estate or other property as it may purchase or acquire by issuing bonds and executing mortgages to secure the payment thereof.

Dealings with other corporations.

Sec. 6. The said company shall also have the right to buy and sell the stock of other corporations, or to hold the same, and to consolidate or merge with any corporation, or to consolidate and merge any other corporation with itself, and in particular the right to buy the stock of the Consolidated Railways, Light and

Consolidation and merger.

Power Company, and to own the said company or merge and consolidate the said company with itself, and to build, extend and operate the same, and to electrify any and all roads running into the city of Wilmington, North Carolina, and any other city, town or village in said State, and to issue in payment thereof its mortgage bonds, or pay for the same in any other manner its board of directors or stockholders may determine.

Power to borrow money.

Sec. 7. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and it may secure the payment of the said bonds by mortgage or deed of trust upon all or any portion of its property, real, personal or mixed, its contracts and privileges, and its charter rights and franchises, or in any other manner a majority of the directors may see fit; and it may, as the business of the company shall require, sell, lease, convey and encumber the same.

Capital stock.

Sec. 8. That the capital stock of the said corporation shall be seven hundred and fifty thousand dollars ($750,000), divided into seven thousand and five hundred (7,500) shares, of the par value of one hundred dollars ($100) each, of which two hundred and

Preferred stock.

fifty thousand dollars ($250,000), that is to say, twenty-five hundred (2,500) shares, shall be preferred stock, and five hundred

Common stock.

thousand dollars ($500,000), that is to say, five thousand (5,000)

Voting power.

shares, shall be common stock. The holders of the shares of preferred stock shall have no vote in any of the meetings of the stockholders of said corporation, but the voting power in any and all meetings shall reside in and be wholly within the power

Dividends on preferred stock.

of the holders of the common stock. The holders of the said preferred stock shall be entitled to receive from the surplus or net profits arising from the business of this corporation, and not otherwise, a fixed yearly dividend of five (5) per cent., payable semi-annually, at such time or times as shall be fixed by the by-laws, before any dividends shall be set apart on said common

Dividends cumulative.
Rate.

stock. The dividends upon the preferred stock shall be cumulative, and shall not exceed five (5) per cent. per annum; and if in any year dividends amounting to five (5) per cent. shall not be paid on such preferred stock, the deficiency shall be charged upon the future net earnings and be payable subsequently, before any dividend shall be set apart or paid upon the common stock.

Dividends on common stock.

After the dividends upon the preferred stock shall have been paid, or set aside as aforesaid, the holders of the common stock shall be entitled to receive from the surplus or net profits arising from the business of the said corporation dividends in such amount as may be determined from time to time by the board of directors, and which shall be payable at such time as shall be fixed by them.

Rights of preferred stock on dissolution.

The holders of the preferred stock shall, in case of liquidation

or dissolution of the company, be entitled to be paid in full to the extent of the value of the said stock, before any amount shall be paid to the holders of the general or common stock. The said incorporators shall have power to organize the said company and commence business when one hundred thousand dollars ($100,000) of the said stock shall have been subscribed, and the stockholders of the said company shall have power from time to time, by a majority vote of the same, to increase the capital stock of the said corporation to any amount, not exceeding five million dollars ($5,000,000) in all, divided into common and preferred stock in such proportions as to them shall seem best; and whenever any increase of said stock is desired by said corporation over and above the sum of seven hundred and fifty thousand dollars ($750,000), the said corporation shall make application to the Secretary of State for the increase desired, and upon payment to the said Secretary of State of the taxes for said increase, he shall issue to the said corporation a certificate, under his seal of office, authorizing the amount of increase of the capital stock of the said corporation, and after such certificate of the Secretary of State is issued the said corporation shall have power to increase its capital stock in the amount set forth in such certificate.

Organization.

Increase of stock.

Sec. 9. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1907.

CHAPTER 184.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE RYMER SPECIAL TAX SCHOOL DISTRICT, IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the special tax school district of Rymer (District Number Four, Hendersonville Township), Henderson County, shall be and is hereby constituted a graded school district.

Graded school district.

Sec. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded school interests and property in the said graded school district; shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall elect their own chairman and secretary for terms of two years each, employ and fix the compensation of teachers, and do all other acts and things that may be just and lawful to conduct and manage the graded school

Powers of trustees.

Proviso: free tuition.

Proviso: non-resident pupils.

Proviso: credits to parents of non-resident pupils.

Proviso: tuition in higher grades.

interests in said graded school district: *Provided*, all children residing in the said graded school district between the ages of six and twenty-one years shall be admitted into the graded school free of tuition charges: *Provided further*, that the said trustees may receive as students non-resident children, upon the payment of reasonable tuition charges to be fixed by said board of trustees: *Provided further*, that the said trustees shall allow such credits to parents and guardians of non-resident children attending said school as they may think just and meritorious on account of school taxes paid on property in said district by said parents and guardians: *Provided further*, that said trustees may in their discretion charge a reasonable tuition for teaching any branches of study of a higher grade than those prescribed by the Legislature, or which may hereafter be so prescribed, to be taught in the public schools of the State.

Trustees named.

To meet, qualify and organize.

Trustees classified.

Terms of office.

Vacancies.

Quorum.

Sec. 3. W. D. Rymer, H. H. Carson, W. C. Jordan, P. A. Bly, Joseph McCrary and Hix McCrary are hereby appointed trustees of the said graded school of the said Rymer Graded School District, and they shall meet, qualify and organize within thirty days after the ratification of this act. As soon as the said trustees shall have qualified, they shall divide themselves by lot into three classes, the first class to be composed of two members, the second class of two members and the third class of two members. The members of the first class shall hold their office for a term of six years, the members of the second class for a term of four years and the members of the third class for a term of two years. At the end of each succeeding two years the county board of education, upon the recommendation of a majority of the board of trustees, shall appoint two trustees to succeed the two whose terms then expire. Members of the board of trustees shall be appointed for a term of six years. Vacancies caused by death, removal, failure to qualify or any other cause shall be filled by the board of trustees of said graded school. All acts and things herein authorized to be done by the said board of trustees may be done by a quorum thereof.

Collection of special taxes.

Trustees to fix levy.

Proviso: limit.

Sec. 4. That the moneys arising from the special taxes heretofore levied and collected for the purpose of running the public school in said graded school district shall be levied and collected in the manner prescribed in the general school law of the State and placed to the credit of the said board of trustees heretofore named; and the said board of trustees shall each year, on or before the first day of June, notify the county commissioners of the levy on property and polls desired to be made for that year, and the said board of county commissioners shall be bound to levy the amount asked for by the said board of trustees on property and polls: *Provided*, that the sum levied as special taxes shall never exceed thirty cents on the one hundred dollars' worth of

property and ninety cents on the poll, as provided in the general school law and authorized by special election in said graded school district.

Apportionment from general fund.

Sec. 5. The moneys which shall from time to time be apportioned under the general school law to the public school in said Rymer Graded School District shall be placed to the credit of the school trustees provided for in this act.

Application of funds.

Sec. 6. It shall be the duty of the said school trustees to use the moneys coming into their hands to the best advantage, in order to have the longest possible term of school each year in the said graded school district: *Provided*, that the term of school shall not be less than six months nor more than nine months in any one school year.

Proviso: length of term.

Reports.

Sec. 7. The said school trustees shall make an annual report to the Board of Education of Henderson County of the receipts and disbursements of all school funds under their control; and they shall also make all reports to the said board of education as now required or which may hereafter be required of public school committeemen of the various public school districts.

Trustees incorporated.

Corporate name.

Sec. 8. The school trustees hereby created shall be a body corporate by the name and style of the Trustees of the Rymer Graded School, and by that name shall be capable of receiving gifts and grants; of purchasing and holding real and personal estate, or selling, mortgaging and transferring the same for school purposes; of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said trustees shall be to them and their successors in office.

Property transferred to trustees.

Sec. 9. The Board of Education of Henderson County are hereby authorized and directed to transfer, by the execution of proper deeds of conveyance, all public school property, both real and personal, of every description, now belonging to the public school in the territory hereby constituted a graded school district, to the Trustees of the Rymer Graded School as heretofore specified.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1907.

CHAPTER 185.

AN ACT TO AUTHORIZE THE ROCKY MOUNT GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Application of proceeds.

Section 1. That the Board of Graded School Trustees of Rocky Mount is hereby authorized and empowered to issue coupon bonds of the Rocky Mount Graded School District to an amount not exceeding twenty thousand dollars, for the purpose of applying the proceeds arising therefrom to the payment of the balance of the indebtedness due on the Edgecombe Graded School lot, purchased from B. S. Herring in May, one thousand nine hundred and six, and thereafter to the erection of a school building thereon, to the equipment thereof and to the improvement and repair of the other school buildings of said graded school district.

Maturity.

Interest.

Sec. 2. That such bonds shall be payable or redeemable at such place or places and at such time or times, not exceeding fifty years from the date thereof, as said board of graded school trustees may determine; and shall bear interest from the date thereof, at the rate of not more than five per centum per annum, payable semi-annually, on the first days of January and July of each year, at such place or places as said board of graded school

How bonds authenticated.

trustees may determine. Such bonds shall be signed by the chairman and attested by the secretary of said board of graded school trustees, and shall have the corporate seal of said board affixed thereto. The signatures of said chairman and secretary may be lithographed upon the coupons attached to such bonds; and said board of graded school trustees shall in all other respects prescribe the form and tenor of such bonds.

Election to be called.

Sec. 3. That the provisions of this act in reference to the issuing of bonds and the levying of taxes shall be submitted to the qualified voters of the city of Rocky Mount for ratification or rejection, at an election to be called by the board of aldermen of said city within ninety days of the ratification of this act; and

Law governing elections.

such election shall be held as elections for mayor and aldermen are held in said city, and all provisions of the law governing the holding of such municipal elections shall apply thereto, unless

Notice of election.

herein otherwise provided. Notice that such election has been called shall be published for not less than thirty days in some newspaper published in said city; which notice shall state the purpose of such election and the time at which it is to be held, and shall recite in full or in substance the provisions of this section. At such election those favoring the issuing of such bonds and the levying of the particular taxes hereinafter provided for

Form of ballots.

shall vote a written or printed ballot containing the words "For

Graded School Bonds," and those opposing the issuing of such bonds and the levying of such taxes shall vote a like ballot containing the words "Against Graded School Bonds."

Returns. Sec. 4. That it shall be the duty of the registrar and judges of election of the several wards or voting precincts of said city to incorporate in the returns of the result of such election in their respective wards or voting precincts the number of qualified voters therein, as shown by the registration books. The board Canvassers. of canvassers of said city shall, from such original ward or precinct returns, canvass the votes cast at such election, and shall judicially determine and declare the result thereof. Said board Canvass. of canvassers shall prepare and file with the city clerk an abstract setting out the number of votes cast and how cast in the several wards or voting precincts of said city at such election, the number of qualified voters therein, and the result of such election, as judicially determined and declared by said board; and said city clerk shall record such abstract as a permanent Record of result. record of said city, and shall forthwith furnish to said board of graded school trustees a copy thereof, to the correctness of which he shall certify over his hand and the corporate seal of said city.

Issue and sale of bonds. Sec. 5. That should the result of such election be favorable to such bond issue, said board of graded school trustees shall without unnecessary delay proceed to issue the same, in an amount not exceeding twenty thousand dollars, and to make sale thereof, in such manner and upon such terms as said board may deem most advantageous.

Special tax for bonds, interest and schools. Sec. 6. That, for the purpose of providing for the payment of such bonds and the interest thereon, and of defraying the expenses of the public graded schools of said graded school district, the board of aldermen of said city, at the time of levying the municipal taxes for the fiscal year beginning the first day of June, one thousand nine hundred and seven, and annually thereafter, shall levy and lay the following particular taxes: First. On all real Property tax. and personal property within the corporate limits of said city, including money and solvent credits, and on all subjects of taxation upon which an *ad valorem* tax is or may be imposed by the General Assembly, a tax not exceeding ten cents on every one hundred dollars of valuation. Second. A capitation tax of not Poll tax. more than thirty cents on every taxable poll of male persons residing within the corporate limits of said city on the first day of June of each year.

Collection of tax. Sec. 7. That such taxes shall be collected by the city tax collector as other municipal and public graded school taxes are collected; and he shall pay over the same to the city treasurer as treasurer *ex officio* of said board of graded school trustees; and To be kept separate. said city treasurer shall keep such public graded school funds separate and apart from all other moneys in his hands, and shall

pay out the same only upon the warrant of the chairman and secretary of said board of graded school trustees.

Proceeds of bonds to be kept separate.

Sec. 8. That said treasurer shall keep all moneys realized from the sale of such bonds as may be issued in pursuance of this act separate and apart from all other funds in his hands, and shall pay out the same only upon the warrant of the chairman and secretary of said board of graded school trustees; and said board of graded school trustees shall expend such moneys only for those purposes set out in section one of this act.

Payment.

Limits of district.

Sec. 9. That the limits of the Rocky Mount Graded School District shall be and remain conterminous with the corporate limits of the city of Rocky Mount.

Apportionment from general school fund.

Sec. 10. That the Boards of Education of Nash and Edgecombe Counties shall apportion to said graded school district its proportionate *per capita* part of any funds which may be set apart by either of said boards of education for the building, repair and equipment of school-houses.

Sec. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1907.

CHAPTER 186.

AN ACT TO INCORPORATE FRANKLINVILLE GRADED SCHOOL, RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Boundaries.

Section 1. That all the territory embraced within the following described boundary, to-wit: Beginning on the north bank of Deep River, where the line between Franklinville and Columbia Townships crosses said river, thence north with said township line to the north side of H. H. Elder's lands; thence west with H. H. Elder's north line, and also with the north lines of Frank Jones, R. W. Jordan and J. M. Allred, to New Year Womble's northeast corner; thence around said Womble's lands on the north and west side to W. P. Moon's northwest corner; thence south with Moon's west line to Bush Creek; thence down said creek with its various courses to T. A. Wrenn's line; thence with said T. A. Wrenn's west line to the northwest corner of the lands belonging to Franklinville Manufacturing Company; thence southwest with the said lands of the Franklinville Manufacturing Company to Deep River; thence across said river; thence up said

Deep River with its various courses to the month of Alder Branch (on the south side of said river); thence up said branch, and with the lines between C. H. Julian and J. F. S. Julian, across Ashboro and Franklinville public road, to a stake in Ellison and Wright's line; thence east with said Wright's line to the public road; thence south along said public road to Henry Allred's southwest corner; thence east with said Allred's line to a point where said Henry Allred's and B. H. Cheek's lands corner; thence aronnd on south side of B. H. Cheek's and J. A. Cheek's lands to I. H. Pugh's line; thence aronnd said I. H. Pugh's lands on the south side to the A. J. Curtis lands; thence aronnd said Curtis lands on the south side to G. H. York's line; thence on north side of York's farm to G. H. Black's line; thence east to Charles Henson's line; thence aronnd said Charles Henson's lands with his south line to his southeast corner; thence in a northerly direction with said Henson's line to A. B. Steel's; thence along said Steel's line to H. J. Upton's northeast corner in said Steel's line; thence in an easterly direction to Deep River; thence across Deep River to the beginning, be and the same is hereby incorporated under the name and style of "Franklinville Graded School District for White Children."

Incorporated as graded school district.
Corporate name.

Sec. 2. That the special school tax election held within the above described boundary or district on the eighth day of August, one thonsand nine hnndred and two, nnder and by the authority of section seventy-two, chapter four, Acts of one thousand nine hundred and one, be and the same is hereby declared legal and valid in all respects.

Special tax election validated.

Sec. 3. That J. M. Ellison, Hugh Parks, Sr., W. C. Russell, George H. Black and T. M. Jennings are hereby constituted a board of trustees for the public graded schools of said district, as hereinafter provided, and shall serve for the periods herein indicated, and nntil their successors are elected and qualified; that J. M. Ellison shall serve one year, Hugh Parks, Sr., two years, W. C. Rnssell three years, George H. Black four years, and T. M. Jennings five years; the term of office of said trustees to begin on the first Monday in April, one thousand nine hundred and seven. That upon the expiration of the term of office of any of said trustees, as above provided, the remaining members of said board of trustees shall elect a trustee to fill the vacancy, and the remaining members shall at all times have the authority to fill vacancies arising from any cause; and each trustee so elected shall serve for a term of five years, unless he shall have been elected to fill out an unexpired term, in which case he shall serve only for the unexpired term of the member whom he was elected to succeed.

Trustees named.
Terms of office.
Terms of successors.

Sec. 4. That the said board of trustees and their duly constituted successors in office shall be and are hereby constituted a

Trustees incorporated.

Corporate name. Corporate powers.

body corporate by the name and style of the "Board of Trustees of the Franklinville Graded School District," and by that name may sue and be sued, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange or sell the same, and exercise such other rights and privileges as appertain to corporations under the general law; and said corporation may have a corporate seal, which it may break and change at pleasure: *Provided*, that the office of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of this State.

Trustees to establish graded schools. Powers of trustees. Rules and regulations.

Sec. 5. That it shall be the duty of said board of trustees to establish and maintain in said district a system of public graded schools for the children resident therein between the ages of six and twenty-one years; and the board of trustees shall have full control of such schools, shall employ, fix the compensation of and dismiss all teachers and officers, and exercise all other powers which they may deem necessary for the proper and successful operation of said schools; that rules and regulations made by said board of trustees shall be as valid and binding, for the government of said schools, on the teachers, officers and pupils as are any of the provisions of this act.

Property vested in trustees. Further powers of trustees. Buildings and equipment.

Sec. 6. That all public school property, both real and personal, now belonging to the public school of District Number Three, white race, Franklinville Township, Randolph County, North Carolina, and the title thereto, shall be vested in said board of trustees. Said trustees may, in their discretion, sell the same or any part thereof, and apply the same to the use of said graded schools as in their judgment they may deem best; said trustees shall have the right to provide buildings and equipment for said schools in their discretion, and they are hereby empowered to pay for same out of any moneys that may come into their hands for the use of said schools.

School census.

Sec. 7. That said board of trustees shall cause to be taken, in the month of August of each year, an accurate census of the white children between the ages of six and twenty-one years residing in said district, as required by the general school law, and shall furnish a copy of said census for the county superintendent of said schools on or before the first Monday in September of each year; and the said board of trustees shall cause said census to be recorded in a book to be kept by them for that purpose, and shall deliver the same to the superintendent or principal at or before the opening of said schools each year.

Course of study and text-books. Tuition in higher grades. Non-resident pupils.

Sec. 8. That said board of trustees may from time to time fix the course of study and adopt text-books for said graded schools; and they may provide for further instruction other than that provided in the prescribed course, and fix a rate of tuition to be charged therefor, and admit pupils residing outside the district upon such terms as said board of trustees may prescribe.

Trustees to have powers of school committeemen.

Sec. 9. All powers conferred upon school committeemen under the general school laws of the State are hereby conferred upon said board of trustees, and said trustees shall be charged with all the duties and obligations imposed upon district school committeemen by the general school laws, and not inconsistent with this act.

Superintendent or principal.

Other teachers.

Reports.

Teachers' meetings.

Sec. 10. That said board of trustees shall elect annually, on the first Monday in April, or as soon thereafter as they may think best, a superintendent or principal for the said graded schools, whose duty it shall be to supervise the work of said graded schools, under the direction of the board of trustees, and exercise such other powers and discharge such other duties as may be prescribed by said board of trustees. It shall be his duty to examine and certificate all other teachers in said graded schools. Said superintendent or principal shall make reports for the said graded schools as required by the general school law. He shall hold teachers' meetings each week during the sessions of the graded school, for the benefit of the teachers, and he shall, at these meetings and at other times, advise with the teachers in said graded schools and assist them in planning their work in said schools.

Meeting of trustees.

Organization.

Rules and regulations.

Sec. 11. That the board of trustees provided for in section three of this act shall meet on the first Monday in April, one thousand nine hundred and seven, and organize by electing a chairman, a secretary, a treasurer, a tax collector and such other officers as they shall deem necessary for the successful operation of said graded schools, and they shall, at that time or some other meeting called for the purpose, adopt rules and regulations for the government of said schools.

Treasurer.

Bond.

Duties.

Pay of treasurer.

Sec. 12. That the treasurer provided for in section eleven of this act shall receive and disburse all funds for the graded schools of Franklinville Graded School District; but before entering upon the duties of his office he shall execute a justified bond, with security, in an amount to be fixed by the board of trustees, not less than the amount of all school moneys to the credit of the district during the previous school year, conditioned for the faithful performance of his duties as treasurer of the district school fund and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended, said treasurer's bond to be approved by the board of trustees. The treasurer shall receive money only from the tax collector, and he shall pay out no money except upon an order of the board of trustees, signed by the chairman and countersigned by the secretary. The treasurer of the County Board of Education of Randolph County shall pay over to the treasurer of the Franklinville Graded School District all moneys coming into his hands for the said Franklinville Graded School District. The treasurer shall receive such compensation as the board of trustees shall allow, not to exceed one per centum of disbursements.

Special tax. Rate.

Sec. 13. That the County Commissioners of Randolph County shall, on the first Monday in June of each and every year, levy twenty-five cents on each one hundred dollars valuation of property and seventy-five cents on each poll in the Franklinville Graded School District; and the clerk to the board of county commissioners shall, on or before the first Monday in September of each year, make out and transmit to the tax collector of said district a certified copy of the taxes for the current year, the name of said tax collector to be furnished to the clerk by the board of trustees not later than the first Monday in July of each year. It shall be the duty of the list-taker of Franklinville Township to list all property and polls in said Franklinville Graded School District at the time and after the same manner as other property or polls are listed for county and State taxes. It shall be the duty of the board of trustees to see that all property and polls in said district are listed, and to that end they shall furnish the list-taker and the board of county commissioners with a list of such property as shall not be listed by the list-taker at his usual appointment; and any person who willfully or carelessly fails to list his property or poll for said special school taxes in said district, shall be charged with double tax and subject to indictment under the general laws of the State.

Tax lists.

Trustees to revise list.

Double tax for failure to list.

Tax collector. Bond.

Sec. 14. The tax collector provided for in section eleven of this act shall be charged with the collection of all taxes levied for the graded schools in Franklinville Graded School District; but before he shall enter upon said duties he shall enter into a justified bond for the collection of and payment over to the treasurer of said taxes, in an amount equal to the amount of taxes listed for the current year, which bond shall not become void until said taxes are collected and paid over to the treasurer. The tax collector's bond shall be approved by the board of trustees, and any trustee who shall accept any other than a justified bond shall, by such acceptance, be held liable for his proportionate part of any losses by default of the tax collector; but when said tax collector shall have collected the taxes for which he shall be required to give bond in any year, and shall have paid them over to the treasurer, or when he shall resign and such resignation shall be accepted by the trustees, then the said bond shall be null and void.

Bond approved by trustees.

Officers to qualify.

Sec. 15. That all officers provided for in this act shall, before entering upon their respective duties, take the usual oath required to be taken by like officials under the general school law of the State, and they shall make such reports as are required of them by the general school law; and all reports made by such officers shall be made in the manner and form and at the time required by the general school law of the State.

Reports.

Compulsory attendance on schools.

Sec. 16. That upon petition of a majority of the qualified voters residing in said Franklinville Graded School District, the

board of trustees provided for in section three of this act shall have the authority and be required to compel all children between the ages of eight and twelve years, and of sufficient mental and physical strength, to attend continuously the sessions of said graded schools: *Provided*, that attendance on any good private or public school may excuse such children as attend them, if the board of trustees shall have good and sufficient reason to believe that such attendance is in good faith, and not for the purpose of avoiding the requirements of this section.

Proviso: attendance on other schools.

Sec. 17. That the parent or guardian of any child between the ages of eight and twelve years, and which child shall not be excused from the requirements of this act, who shall fail to keep their said child or children in the said Franklinville Graded Schools or elsewhere, as provided by this act, shall be guilty of a misdemeanor, and subject to a fine of one dollar for the first offense and two dollars for each offense thereafter, or to be imprisoned not more than ten days. One day's absence without a valid excuse shall constitute an offense under this act. Teachers shall have the authority to excuse children who are known to be under the care of a physician on account of sickness, and the board of trustees shall have the authority to excuse any child whose reason for non-attendance is valid; but in no case shall a child be excused from attendance without a valid reason. All teachers and other officers having authority to excuse children from attendance shall submit a report of such, and the reason for each excuse, to the board of trustees at the end of each week during the session of the graded schools.

Failure of parent to enforce attendance of children a misdemeanor.

Punishment.

One day's absence an offense.

Teachers may excuse children.

Report of excuses.

Sec. 18. That any justice of the peace residing in said Franklinville Graded School District shall have jurisdiction over all cases arising from non-attendance of children as required by this act; and the said board of trustees may appoint a truant officer, who, when commissioned by the board of trustees, shall have the authority to arrest any one for the violation of the provisions of this act. Said truant officer shall be entitled to the same fees as a constable, and persons convicted under this act shall be taxed with the cost of such actions.

Jurisdiction of justices of the peace.

Truant officers.

Fees.

Sec. 19. That it shall be the duty of the teachers of said graded schools to report at the end of each week the names of the children who have failed to attend as required by this act; and it shall then be the duty of the chairman of the board of trustees, or some other person appointed by said board for that purpose, to prosecute all who have failed to send their child or children in accordance with the provisions of this act, unless such child or children shall have been excused.

Teachers to report absences.

Prosecutor.

Sec. 20. That the board of trustees shall have the authority to excuse any child or children from the requirements of this act on account of poverty, infirmity or other good cause to them appear-

Trustees may excuse.

ing, and when so excused the parent or guardian of such child or children shall not be subject to indictment under this act. The board of trustees may appropriate a sufficient amount to purchase books for children whose parents are too poor to provide them, and such books shall remain the property of the Franklinville Graded Schools.

Books furnished free.

Children to attend school.

Sec. 21. That any child in said district who is more than twelve and under twenty-one years of age, and of sufficient mental and physical strength, not regularly employed in some useful occupation, shall be required to attend the sessions of said graded schools, as required by section fifteen of this act; and upon failure so to do, or to work regularly at some useful occupation, shall be subject to indictment under this act, and for each and every offense shall pay a fine of five dollars, unless such child shall have completed the full course of study or its equivalent satisfactorily to the board of trustees, or been excused by the board of trustees for valid reasons.

Punishment for failure.

Sec. 22. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed so far as they apply to Franklinville Graded School District.

Sec. 23. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1907.

CHAPTER 187.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE BIG WILLOW SPECIAL TAX SCHOOL DISTRICT, IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Graded school district.

Section 1. That the special tax school district of Big Willow (District Number Four, Crab Creek Township), Henderson County, shall be and is hereby constituted a graded school district.

Powers of trustees.

Sec. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded school interests and property in the said graded school district; shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall elect their own chairman and secretary for terms of two years each; employ and fix the compensation of teachers, and do all other acts and things that may be just and lawful to conduct and manage the graded school interests in said graded school district: *Provided*, all children

Proviso: free tuition.

resident in said graded school district between the ages of six and twenty-one years shall be admitted into the said graded school free of tuition charges: *Provided further*, that the said trustees may receive as students non-resident children, upon the payment of reasonable tuition charges to be fixed by said trustees: *Provided further*, that the said trustees shall allow such credit to the parents and guardians of non-resident children attending said school as they may think just and meritorious on account of school taxes paid on property in said district by said parents and guardians: *Provided further*, that said trustees may in their discretion charge a reasonable tuition for teaching any branches of study of a higher grade than those prescribed by the Legislature, or which may hereafter be so prescribed, to be taught in the public schools of the State.

Proviso: non-resident pupils.

Proviso: credits to parents of non-resident pupils.

Proviso: tuition in higher grades.

Sec. 3. S. A. Mace, J. B. Patterson, R. J. Fletcher, J. W. Revis, Hilliard Cantrell and T. L. Hamilton are hereby appointed trustees for the said graded school of the said Big Willow Graded School District, and they shall meet, qualify and organize within thirty days after the ratification of this act. As soon as the said trustees shall have qualified, they shall divide themselves by lot into three classes, the first class to be composed of two members, the second class of two members, and the third class of two members. The members of the first class shall hold their offices for a term of six years, the members of the second class for a term of four years and the members of the third class for a term of two years. At the end of each succeeding two years the county board of education, upon the recommendation of a majority of the board of trustees, shall appoint two trustees to succeed the two whose terms then expire. Members of the board of trustees shall be appointed for a term of six years. Vacancies caused by death, removal, failure to qualify or any other cause shall be filled by the board of trustees of said graded school. All acts and things herein authorized to be done by said board of trustees may be done by a quorum thereof.

Trustees named.

To meet, organize and qualify.

To be classified.

Terms of office.

Vacancies.

Sec. 4. That the moneys arising from the special taxes heretofore levied and collected for the purpose of running the public schools in said graded school district shall be levied and collected in the manner prescribed in the general school law of the State, and placed to the credit of the said board of trustees heretofore named; and the said board of trustees shall each year, on or before the first day of June, notify the county commissioners of the levy on property and polls desired to be made for that year, and the said board of county commissioners shall be bound to levy the amount asked for by the said board of trustees on property and polls: *Provided*, that the sum levied as special taxes shall never exceed thirty cents on the one hundred dollars' worth of property and ninety cents on the poll, as provided in the

Levy and collection of taxes.

Trustees to fix amount.

Proviso: limit.

general school law and authorized by a special election in said graded school district.

Apportionment from general school fund.

Sec. 5. The moneys which shall from time to time be apportioned under the general school laws to the public school in said Big Willow Graded School District shall be placed to the credit of the school trustees provided for in this act.

Application of funds.

Sec. 6. It shall be the duty of the said school trustees to use the money coming into their hands to the best advantage, in order to have the longest possible term of school each year in the said graded school district: *Provided*, that the term of school shall not be less than five months nor more than nine months in any one school year: *Provided further*, that the children of school age residing in that part of Big Willow School District (District Number Four, Crab Creek) not included in the said local tax district hereby constituted a graded school district shall be permitted to attend said graded school four months in each year, at the first of the term, free of tuition charges.

Proviso: free tuition to children from Crab creek district.

Trustees incorporated.

Sec. 7. The school trustees hereby created shall be a body corporate by the name and style of the Trustees of the Big Willow Graded School, and by that name shall be capable of receiving gifts and grants; of purchasing and holding real and personal estate, or selling, mortgaging and transferring the same for school purposes; of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said trustees shall be to them and their successors in office.

Corporate name.

Reports of trustees.

Sec. 8. The said school trustees shall make an annual report to the Board of Education of Henderson County of the receipts and disbursements of all school funds under their control; and they shall also make all reports to the said board of education as now required or which may hereafter be required of public school committeemen of the various public school districts.

Property to be transferred to trustees.

Sec. 9. The Board of Education of Henderson County are hereby authorized and directed to transfer, by the execution of proper deeds of conveyance, all public school property, both real and personal, of every description, now belonging to the public school in the territory hereby constituted a graded school district to the Trustees of the Big Willow Graded School as heretofore specified.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1907.

CHAPTER 188.

AN ACT TO ESTABLISH GRADED SCHOOLS IN CAMERON DISTRICT, GREENWOOD TOWNSHIP, MOORE COUNTY, AND TO LEVY A SPECIAL TAX FOR THE ESTABLISHING AND SUPPORT OF THE SAME.

The General Assembly of North Carolina do enact:

Graded school district.

Section 1. That all the territory in Greenwood Township, Moore County, and in the town of Cameron, embraced within the following boundaries is hereby constituted a public school district for white and colored children, to be known as the Cameron Graded School District: Beginning at the ford of Herd's Creek, between Angus Ferguson's and George Cole's, and running as the road in an easterly direction to G. S. Cole's line; thence as G. S. Cole's and Matthews' line in the direction of Cameron to J. W. Yow's southwest corner; thence as Yow's line to his and Rachel Blue's corner in Hartsell's line; thence with Hartsell's line in the direction of Cameron to William Rogers' corner in the Cat Tail Branch; thence with the branch, which is Rogers' line, to the Keith line; thence with Rogers' line in an easterly direction across the Crains Creek and across the Seaboard Air Line Railroad to Rogers' corner; thence with the railroad and Rogers' line to Crains Creek; thence up the creek to T. B. Goodwin's corner on said creek; thence with his line to the southwest corner of John McDonald's land; thence with his line to the southwest corner of the John Kelley's land; thence with the south line of the Kelley land to the Fergus Ferguson land; thence with the south and east line of the Ferguson land to the Fayetteville road; thence as Fayetteville road in the direction of Cameron to Swann's Station road; thence as Swann's Station road in the direction of Swann's Station to a point in the road opposite where the Richardson dwelling was burned; thence as the road leading from said point by way of Mrs. Elizabeth M. McFayden's farm, in westerly direction to N. T. Arnold's, on Gulf plank road; thence as said road to George Browder's mill; thence as the road leading in westerly direction to N. T. Arnold's, on Gulf plank road; thence as said road in the direction of Gulf about one-fourth mile to road leading to old Carthage plank road; thence as said road in the direction of Carthage to ford on Herd's Creek near Mrs. Belle McIver's; thence down said creek to the beginning.

Boundary.

Election on school tax.

Date for election.

Sec. 2. That the Commissioners of Moore County are hereby required to submit to the qualified voters of the said district, on the third Monday in May, Anno Domini one thousand nine hundred and seven, the question whether an annual tax shall be levied for the support of the graded schools in said district, and

Law governing election.

said election to be governed by the law governing elections of members of the General Assembly, as nearly as may be.

Form of ballots.

Sec. 3. That at said election those favoring the levying of such tax shall vote a written or printed ballot, without device, with the words "For School Tax" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot, without device, with the words "Against School Tax" upon it.

New registration.

Sec. 4. That for the purposes of this act a new registration shall be had, and no voter shall be deemed a qualified voter within the meaning of this act except those whose names are duly registered under the provisions of this act. Said registration shall be provided for by the Board of County Commissioners of Moore County, subject to the general laws of the State governing the registration of voters.

School tax if voted for.

Sec. 5. That if a majority of the qualified voters voting shall vote at said election in favor of levying such tax, it shall be the duty of the Board of Commissioners of Moore County and they

Rate.

are hereby required to levy annually a special tax, not exceeding forty cents on the one hundred dollars valuation of real and personal property and other property taxed by the laws of North Carolina, and not exceeding one dollar and twenty cents upon the poll, to the support of the schools; and said tax shall be due and collected annually by the Sheriff of Moore County as and at the time other county taxes are due and collected; and the said sheriff shall be subject to the same laws governing the collection and settlement of State and county taxes, and shall be subject to

Bond of sheriff.

the same penalties prescribed by said laws, and shall give a good and sufficient bond to secure all taxes collected under this act,

Pay of sheriff.

said bond to be approved by the county commissioners, and shall receive as compensation for his services the same fees as are allowed by law for the collection of State and county taxes:

Proviso: further elections on petition.

Provided, that if the tax is not voted the board of county commissioners, upon petition of one-third of the qualified voters of said district, shall order a new election to be held, said election to take place at any time not within one year of the previous election.

Tax paid over to school treasurer.

Sec. 6. That said tax shall be promptly paid over, as collected by the sheriff of said county, to the treasurer of the board of trustees for the graded schools of said district.

Trustees named.

Sec. 7. That D. J. Pierce, C. C. Yates, M. McL. McKeithen, William Rodgers, C. C. Jones and H. P. McPherson be and they are hereby constituted a board of trustees for the graded schools

To be classified.

of said district. Immediately after the ratification of this act the said board shall meet and by lot divide themselves into three

Terms of office.

classes, two (2) of whom shall hold office one year, two (2) for two years and two (2) for three years, and until their successors are duly elected, as provided in section eight (8) of this act.

Sec. 8. Whenever the term of office of any class shall expire as above provided, their successors shall be elected for a term of three years by the qualified voters of said district, at an election to be held in conjunction with and on the same date of and under the same rules and regnlations governing the election for Mayor and Aldermen of the City of Cameron, in said district. If no election is held in said city, then a special election shall be held annually on the first Monday in May for the election of trnstees under the aforesaid rules and regulations: *Provided*, that said board of trustees shall consist of six (6) members, at least four of whom shall reside within the corporate limits of Cameron, and two (2) to be selected from the district at large. Nominations for succeeding trustees shall be made by the qualified voters of the ward or district entitled to name said trustee, under such rnles and regulations as the said board of trustees may prescribe. Whenever any vacancy occurs in said board, except by expiration of the term of office, the vacancy shall be filled by the said board of trustees, subject to the foregoing provisions of this act.

Election of successors.

Special elections.

Proviso: residence of trustees.

Nominations for trustees.

Vacancies.

Sec. 9. That said Board of Trustees of Cameron Graded Schools shall be and remain a body corporate under that name, and may adopt and use a common seal, and shall be capable of receiving gifts and grants, or pnrchasing and holding property, real, personal and mixed, or selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the said corporation. Conveyance to said board shall be to them and their successors in office; and all deeds and mortgages and other agreements affecting real estate, and all bonds and other obligations, shall be deemed sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation.

Trustees incorporated. Corporate name.

Corporate rights.

Sec. 10. That all pnblic school funds derived from the State and said county of Moore for the use and benefit of the said Cameron Graded School District shall be paid to the treasurer of the said board of trustees for the use and benefit of said graded schools.

Apportionment from general school fund.

Sec. 11. It shall be the duty of the said board of trustees to establish and keep up a public graded school in said district for the white children, and one for the colored children of said district; and the said board shall use and appropriate the funds derived from the said special taxes and from all other sources, and shall be just and equitable to both white and colored races, giving each equal facilities, having due regard, however, to the relative cost of keeping up and maintaining the graded schools for both races.

Schools to be established.

Sec. 12. The board of trustees provided by this act shall have entire and exclusive control and management of the pnblic school

Powers of trustees.

interests and property in said Cameron Graded School District; shall prescribe rules and regulations for their own government and for the government of the schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the graded schools; shall make an accurate census of the school population of the district, as required by the general school law of the State, and shall do all other acts that may be just and lawful to conduct the public school affairs in said district; and a committee from said board of trustees shall visit each school in said township at least once every two months while said schools are in session: *Provided*, that all children resident in said district, between the ages of six and twenty-one years, shall be admitted into said school free of tuition charges; and those desiring admission into said school as pay students may be admitted upon such terms as the board of trustees may determine.

School census.

Visiting committee.

Proviso: free tuition.

Pay students.

Election of treasurer.

Sec. 13. That said board of trustees, at their first regular meeting in one thousand nine hundred and seven, and annually thereafter on the first Tuesday in June in each year, shall elect a treasurer and custodian of all public school funds from whatever source derived. The said treasurer shall keep a strict account of all moneys received and disbursed, and shall report monthly to said board his receipts and disbursements, with vouchers for the same. The treasurer shall make no disbursements except upon the order of the board, signed by its chairman and countersigned by its secretary. Said treasurer shall receive for his services such compensation as the said board of trustees may allow, and shall give bond to the board of trustees in such sum as said trustees may require, in an amount sufficient to secure all school funds which may at any time come into his hands.

Duties.

Compensation and bond.

Election of superintendent and teachers.

Sec. 14. That the board of trustees created under the provisions of this act shall elect annually, between the first Monday in May and the first Monday in September of each year, a superintendent and teachers of schools established under this act; and no person shall be elected a superintendent or teacher in said school who does not have a certificate from the superintendent of said county. Said superintendent shall also act as secretary of the board of trustees and do and perform such other duties as may be prescribed by the board of trustees.

Secretary.

Principals.

Sec. 15. That said trustees may elect a principal for the graded school for white children (who may be superintendent), and shall elect a principal for the graded school for colored children annually, on the first Tuesday of June in each year, or subsequently, as the best interest of the schools may require. In the election of teachers preference shall be given to those applicants who attend some school or method in teaching.

Sec. 16. That all public school funds, from whatsoever source received, shall be apportioned by the Board of Education of Moore County to said Cameron Graded School District, in such manner and upon such basis as apportionments are made or may be made to the public schools of said county. Apportionment of funds.

Sec. 17. That it shall be the duty of said board of trustees to make annually a full and complete report of the operations of said graded school, and such other reports to the State Superintendent of Public Instruction and the county superintendent as the general school law of the State may require. Reports.

Sec. 18. That the position of trustee of said schools shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of this State. Trustees not officers.

Sec. 19. That any territory embraced within the above boundaries which now forms a part of any special tax district is hereby taken from such special tax district, and the special school tax now imposed upon the polls and property in such territory is hereby repealed. Territory taken from other districts.

Sec. 20. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 21. That said act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1907.

CHAPTER 189.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ROANOKE RAPIDS, IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all territory lying within the corporate limits of the town of Roanoke Rapids, and all of that portion of Halifax County not embraced within said corporate limits but lying contiguous thereto, within the following boundaries, to-wit: Beginning at a point on Roanoke River, being the dividing line between the farms of the estate of M. A. Hamilton, deceased, and the late B. W. Bass tract; thence south to the canal of the Roanoke Navigation and Water-power Company; thence down the canal to Medlin and Fulghum's line; thence a straight line to the Weldon and Gaston County road; thence west along said county road to Tilghman's Cross Roads; thence along the southern fork of the county road to Chockoyotte Creek; thence up Chockoyotte Creek as it meanders to the dividing line between the J. C. Simmons' tract and John D. Shaw's line; thence along the western line of Boundaries of district.

the J. C. Simmons' tract to the northwestern corner of said tract, on the canal bank of the Roanoke Navigation and Water-power Company; thence from this last named point due north to the bank of the Roanoke River; thence down said river as it meanders to the point of beginning, shall be and is hereby constituted a public school district for white and colored children, to be known as the "Roanoke Rapids Graded School District."

District constituted.

Laws extended to district.

Sec. 2. That for the purposes and benefits of this act the provisions of all laws governing the assessment of real estate and personal property, the levy and collection of municipal taxes and the holding of municipal elections in the town of Roanoke Rapids shall be and are hereby extended to that portion of said school district lying without the corporate limits of said town as fully as if the same lay within said corporate limits; and that in all elections held under this act that portion of said school district lying without the said corporate limits shall be deemed a ward of said town.

Trustees to issue bonds.

Sec. 3. That the board of school trustees hereinafter provided for shall be and is hereby authorized and empowered to issue bonds of said school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable semi-annually, at such time and such place or places as may be deemed advisable by said board of trustees, said bonds to be of such form and tenor and transferable in such way [as said trustees may determine], and the principal thereof payable or redeemable as follows: Five hundred dollars ($500) on the first day of January, one thousand nine hundred and twenty, and five hundred annually thereafter till all are paid, at such place or places as said board of trustees may determine: *Provided*, that said board of trustees shall issue said bonds at such time or times and in such amount or amounts as may be required to meet the expenditure hereinafter provided for in section four of this act.

Amount.

Interest.

Maturity.

Proviso: bonds issued as required.

Application of proceeds.

Sec. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said board of trustees in providing by purchase or otherwise such graded school buildings as may be required, and in furnishing the same with school furniture and other necessary equipment.

Bonds not to be sold below par.

Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for less price than their par value; nor shall said bonds nor their proceeds be used for any other purpose than that declared in section four of this act.

Exemption from town tax.

Sec. 6. That said bonds and their coupons shall not be subject to taxation by the town of Roanoke Rapids until they become due and tender of payment shall have been made, and such cou-

pons shall be receivable in payment of all taxes and other dues of said town for any fiscal year in which said coupons become due, or thereafter; and if the holder of said coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity. Coupons receivable for town taxes.

Sec. 7. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the Town of Roanoke Rapids shall annually, and at the time of levying the municipal taxes, or as soon thereafter as practicable, commencing with the fiscal year beginning the first of May, one thousand nine hundred and seven, levy and lay a particular tax on all persons and subjects of taxation within the limit of said school district on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular tax to be not more than thirty-three and one-third cents on the one hundred dollars assessed valuation on property and not more than one dollar on each taxable poll. Tax for bonds, interest and schools. Limit.

Sec. 8. That said taxes shall be collected by the Tax Collector of the Town of Roanoke Rapids at the time and in the manner that municipal taxes are collected, and said tax collector shall pay the same over to the treasurer of said town, who shall keep such moneys separate and apart from the municipal funds. And said treasurer shall pay out said taxes, and other funds which may come into his hands for the use of said graded schools, only upon the warrant of the chairman and secretary of the board of trustees: *Provided*, that said tax collector and said treasurer shall enter into bond in such amounts as the said board of trustees may direct, the former conditioned for faithful collection and paying over and the latter for the safe-keeping and proper distribution of said taxes and other funds that may come into the hands of either for the use and benefit of said graded school, the compensation to be fixed by the said board of trustees. Collection of taxes. School warrants. Proviso: bonds of tax collector and treasurer.

Sec. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of the qualified voters of said school district at an election on a day to be designated by the Board of Commissioners of the Town of Roanoke Rapids, at any time after the ratification of this act; that thirty days' notice of such election, containing a copy of the provisions of sections three and seven of this act, or a synopsis of the same, shall be published in one or more weekly papers published in the county of Halifax and posted at three public places in said school district, as described in section one; and in all other respects said election shall be held and conducted under the provisions of the Election on bonds and tax. Notice of election.

law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section three and the levy and collection of the particular taxes provided for in section seven of this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting to the aforesaid board of school trustees authority to issue such bonds and to the board of commissioners of said town authority to levy such particular tax, and said board of trustees and said board of commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Schools," then the said board of school trustees and said board of commissioners shall not have such authority: *Provided*, that the result of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Roanoke Rapids; and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of the said qualified voters shall fail to vote in favor of issuing such bonds and of levying such special tax, the board of commissioners of said town of Roanoke Rapids shall order another election, at any time after the expiration of six months from the date of the former election; and if at such election a majority of the qualified voters shall vote "For Schools," it shall have the same force and effect as if no election had been previously held.

Form of ballots.

Effect of election.

Proviso: record of result.

Proviso: successive elections.

Trustees appointed.

Sec. 10. H. C. Cooper, S. B. Pierce, A. C. Hoyt, J. E. Wicker, William Ivey, L. S. Cannon, John L. Patterson, R. W. Brown and W. C. Edwards are hereby appointed and constituted a board of trustees for the graded schools of said district, who shall serve without compensation. The first three named shall hold their offices for the term of two years, the second three named for the term of four years, and the last three named for the term of six years. Vacancies occurring by reason of the expiration of the terms of office of the trustees aforesaid, by death or otherwise, shall be filled by the said board of trustees at a meeting called for that purpose, and shall be for the unexpired term of the trusteeships so filled, except when the vacancy occurs by reason of the expiration of the terms of office, when the term shall be for six years. A majority of the board shall constitute a quorum: *Provided*, that the acceptance of said office of school trustee shall not disqualify any person so accepting from holding any other office of trust or profit whatsoever under the laws of the State of North Carolina.

Terms of office.

Vacancies.

Quorum.

Proviso: trustees not officers.

Sec. 11. That said board of trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of School Trustees of Roanoke Rapids," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal estate, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and change at pleasure. Trustees incorporated. Corporate name. Corporate rights.

Sec. 12. That it shall be the duty of said board of trustees to establish graded public schools for the white and colored children of said district: And said board of trustees shall appropriate and use the funds derived from said particular taxes and from other sources in such manner as shall be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donors. Graded schools to be established. Division of funds. Proviso: donations.

Sec. 13. That said board of trustees shall have exclusive control of all public schools in said school district; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall employ, prescribe the qualifications and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general school law of the State, an accurate census of the school population of the said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools: *Provided*, that nothing in this act shall be held to authorize the County Board of School Directors or the County Superintendent of Schools of Halifax County to exercise any authority or control whatever over the graded public schools of said school district or the officers and teachers thereof: *Provided*, that the schools established under this act shall be subject in all respects to the public school law regulating other public schools of Halifax County and of the State. Powers of trustees. School census. Proviso: county board of directors and county superintendent. Proviso: schools subject to general law.

Sec. 14. That all public school funds derived from the State and from the county of Halifax for the use and benefit of the public schools in said school district shall be paid over to the Treasurer of the Town of Roanoke Rapids by the treasurer of said county for the use and benefit of the graded schools in said school district; and the property, both real and personal, of the various school districts embraced within the limits of said school district shall become the property of said graded schools, and the title thereto shall be vested in said board of trustees in trust therefor, and said board of trustees may, in their discretion, sell the same or any part thereof and apply the proceeds to the use of the said graded schools. Apportionment from general school funds. Title to school property vested in trustees.

Incidental fees.

Sec. 15. That said board of trustees may, if in their judgment necessary for the maintenance of said graded schools, require from each pupil entered therein an incidental fee of not more than two dollars per annum, payable as said board of trustees may direct: *Provided*, that such fee shall be applied exclusively to the maintenance of such grade in such schools as the pupil paying shall attend.

Proviso: application of fees.

Superintendent.

Sec. 16. That said board of trustees shall elect annually, at least thirty days before the opening of the fall term of said graded school, a superintendent, who shall supervise the graded public schools of said school district, and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

Curriculum and text-books.

Sec. 17. That said board of school trustees, together with the superintendent, are hereby authorized, in their discretion, to fix a curriculum of studies, and to adopt text-books for said graded schools, and to admit pupils residing without the limits of said school district upon such terms as said board of trustees may deem just and reasonable.

Reports.

Sec. 18. That it shall be the duty of said board of trustees to make to the Mayor and Board of Commissioners of the Town of Roanoke Rapids annually, after the close of each school year, a full report of the operations of the graded public schools of said school district, and duplicate copies of said report shall be furnished to the County Superintendent of Schools of Halifax County.

Apportionment of funds.

Sec. 19. That the County Board of School Directors of Halifax County shall apportion the school funds coming to said school district direct thereto upon a *per capita* basis, in accordance with the provisions of section seventeen, chapter seven hundred and thirty-two, of the Public Laws of one thousand eight hundred and ninety-nine.

Fines and penalties to use of school.

Sec. 20. That all fines and penalties imposed and collected in the court of the Mayor of the Town of Roanoke Rapids shall be paid to the Treasurer of the said Town of Roanoke Rapids and by him credited to the fund for defraying the expenses of the graded schools provided in this act.

Sec. 21. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 22. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1907.

CHAPTER 190.

AN ACT TO AUTHORIZE THE REMOVAL OF CERTAIN BODIES FROM GRAVES AND THE RE-INTERMENT IN THE CEMETERY IN THE TOWN OF YADKINVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Removal of bodies authorized.

Section 1. That it shall be lawful for J. L. Sampson and F. R. Douthit, after due notice as hereinafter prescribed, at their own proper cost and expense, to remove the bodies of the persons buried on their respective lots in the town of Yadkinville, North Carolina: *Provided*, the said bodies are properly and decently re-interred in the Mackie Grave-yard, which is now being used as the cemetery for the whites in said town, and the tombstones and head-marks to said graves are likewise removed and erected in due order at the place where such bodies are re-interred.

Proviso: bodies to be re-interred.

Notice of removal.

Sec. 2. That the persons named in the preceding section shall not be entitled to exercise the powers therein conferred until such time as due notice of their intention so to do has been inserted for four (4) successive weeks in some newspaper published in the said town of Yadkinville, and in no event shall the removal of such bodies be made without the assent of the board of commissioners of said town first had and obtained, to be entered and spread upon the minutes of said board at a regular meeting thereof.

Assent of town commissioners.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 191.

AN ACT TO EMPOWER THE CITY OF FAYETTEVILLE TO SELL OR LEASE ITS ELECTRIC LIGHT PLANT, OR CONTRACT FOR THE OPERATION THEREOF.

The General Assembly of North Carolina do enact:

Sale, lease or contract for running.

Section 1. That it shall be lawful for the Board of Aldermen of the City of Fayetteville, by and with the concurrence of the board of audit and finance of said city, to sell or lease its electric light plant, or contract for the operation thereof, upon such terms as they may deem for the best interests of said city: *Provided*, that no such sale, lease or contract shall take effect until approved by a majority of the qualified voters of said city, at any general election for municipal officers for said city, or at a special election to be called by the board of aldermen of said city, to be

Sale, lease or contract to be approved by voters.

held after thirty days' notice published in some newspaper published in Fayetteville, and such other notice as said board may deem proper; said election to be held under the rules and regulations now governing elections in said city.

Adoption of contract.

Sec. 2. That before any proposition for the purchase, lease or contract for the operation of said plant shall be submitted to the qualified voters of said city, as provided in section one hereof, it shall be adopted by not less than a two-thirds vote of the board of aldermen and board of audit and finance of said city.

Form of ballots.

Sec. 3. That at said election the voters in favor of such sale, lease or contract shall vote a ballot with the word "Approved" printed or written thereon, and those opposed thereto shall vote a ballot with the word "Disapproved" printed or written thereon.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 192.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT AIRY.

The General Assembly of North Carolina do enact:

Salary of mayor.

Section 1. That the Board of Commissioners of the Town of Mount Airy are hereby authorized to fix the salary of the Mayor of the Town of Mount Airy at a sum not to exceed five hundred dollars ($500.00).

Sec. 2. That after the words "for the said damage," in the last line of section five, chapter two hundred and sixty-one of the Private Laws of the session of the General Assembly of one thousand nine hundred and three, add the following:

Water and light commission.

(1) That for the proper management of the systems of water supplies, electric lights and power plant a commission, to be known as the "Water and Light Commission," is hereby established,

Terms of office.

which said commission shall consist of three members, to be elected by the board of commissioners for terms of three years each, except that at the first election under this section the terms

Vacancies.

shall be for one, two and three years; and in case of any vacancy, except by expiration of the term, the board shall elect some per-

Organization.

son to fill out the unexpired term; and the said commission shall organize by electing one of its members as chairman, whose term as chairman shall be one year.

(2) That the said commission shall have entire supervision and control of the maintenance, improvement and management of the said systems, and shall fix such uniform rates for water and lights as they think best: *Provided*, that any person may appeal from its decision as to rates to the board of commissioners, and the decision of the board shall be final. Commission to supervise and control systems. Rates. Proviso: appeal.

(3) The said commission shall keep these funds in the hands of the treasurer of the town, but in an account separate from the other town funds; that such funds shall be paid out only by the order of the said commission, and at the end of each quarter the said commission shall report to the board of commissioners its receipts and an itemized schedule of its disbursements, and shall recommend to the board such an amount as may be safely turned over to the general fund of the town. After hearing the said report and recommendation, the board of commissioners shall decide what sum shall be turned over to the general fund. Water and light accounts. Itemized schedules.

(4) The said commission shall elect all officers, agents and employees necessary to the conduct of said systems and fix their remunerations; but the board of commissioners shall decide which of the said officers, agents and employees shall give bond, and the amount thereof. Officers, agents and employees. Bonds of officers.

(5) The board of commissioners may, if it sees fit, allow a remuneration of the members of the said commission, but such remuneration shall last only until the new board of commissioners is elected and qualified. Pay of commission.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 193.

AN ACT REQUIRING THE TAX COLLECTOR AND OTHER OFFICERS OF THE TOWN OF YANCEYVILLE, IN CASWELL COUNTY, TO GIVE BOND.

The General Assembly of North Carolina do enact:

Section 1. That the Tax Collector for the Town of Yanceyville, in Caswell County, before receiving the tax books of said town for collection, shall give to the commissioners of said town a bond in a sum at least double the amount of the town taxes assessed for the previous year, with sufficient sureties, for the faithful collection of the taxes of said town and the settlement and turning over of the moneys collected by him to the proper officer of the said town. Bond of tax collector.

Bond of constable.

Sec. 2. That the several town constables for said town, before entering upon and exercising the duties of the office of constable, shall give a bond to the town commissioners, with good and sufficient sureties, in the sum of five hundred dollars, conditioned for the faithful performance of his duties as constable.

Bond of dispensary commissioners.

Sec. 3. That the dispensary commissioners shall give to the commissioners of said town a bond in the sum of five hundred dollars, with sufficient sureties, conditioned for the faithful performance of their duties as commissioners, and the faithful payment and application of all moneys coming into their hands by virtue of their office.

Bond of manager of dispensary.

Sec. 4. That the manager of the dispensary in said town shall give a bond to the town commissioners in the sum of five hundred dollars, with sufficient sureties, conditioned for the faithful performance of the duties of manager, the observance of all orders and directions of the dispensary commissioners and the accounting for and paying over all moneys received by him.

Liability of town commissioners.

Sec. 5. That every commissioner of the town of Yanceyville who approves any of the foregoing official bonds which he knows to be, or which by reasonable diligence he could have discovered to have been, insufficient in the security thereof, shall be liable as if he were a surety thereto.

Profits of dispensary to school district.

Sec. 6. That one-fourth of the net profits of the dispensary conducted in the town of Yanceyville shall, by the town commissioners, within ten days after settlement with the dispensary commissioners, be paid over to the Trustees of School District Number Thirty-eight, and by said trustees used for the benefit of said school district.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 194.

AN ACT TO REPEAL CHAPTER 129 OF THE PRIVATE LAWS OF 1903, RELATING TO THE CHARTER OF THE TOWN OF COLUMBIA.

The General Assembly of North Carolina do enact:

Tax rate.

Section 1. That chapter one hundred and twenty-nine of the Private Laws of one thousand nine hundred and three be and the same is hereby repealed.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 195.

AN ACT TO ESTABLISH A SCHOOL DISTRICT IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the County Board of Education of Yancey County be and it is hereby authorized and empowered to establish a public school district of the territory within the following boundaries, in Price's Creek Township, Yancey County: Beginning at a point on the Caney River at Mat McInturff's line, and running with his line to the top of the mountain which divides Phipps Creek and Ayles Creek; then with the top of said mountain to the Nettie Cove knob; then with the ridge leading to the William Ray gap; then with the top of the Caloway Mountain to the river; then with the river to the beginning. Establishment of district authorized. Boundaries.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 196.

AN ACT TO INCORPORATE THE TOWN OF STOKESDALE, IN THE COUNTY OF GUILFORD.

The General Assembly of North Carolina do enact:

Section 1. That the town of Stokesdale, in the county of Guilford, be and the same is hereby incorporated by the name and style of the Town of Stokesdale, and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Town incorporated. Corporate name.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the Southern Railway Company's depot as a center, and extending one mile in every direction therefrom. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor, five commissioners, a constable and treasurer; and the commissioners shall have power to appoint a constable and a treasurer. Town officers.

Sec. 4. That said commissioners shall have and exercise all corporate powers and duties as are conferred upon commissioners of incorporated towns under The Code, and in addition thereto they shall have power to pass by-laws, rules and regulations for the government of the town, not inconsistent with the laws of the State and of the United States, and to impose fines and penalties for the violation of town ordinances and collect the same for the benefit of the town: *Provided*, the tax levy shall not exceed thirty- Powers of town commissioners. Proviso: tax rate.

three and one-third cents on the one hundred dollars valuation of property and one dollar on the poll.

Town elections.

Sec. 5. That there shall be an election for officers mentioned in this act on Tuesday after the first Monday in May, one thousand nine hundred and seven, and every two years thereafter, under the same restrictions that county and State elections are held; and until an election is held on the Tuesday after the first Monday in May, one thousand nine hundred and seven, the following persons shall fill said offices, namely: Mayor, J. Wright Pegram; commissioners, J. S. Gant, J. R. Dwiggins, D. P. Lemons, W. M. Vaughn, Thomas D. Young.

Officers until first election.

Sec. 6. That all laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 197.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GARNER.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the town of Garner shall be and continue as they have heretofore been a body politic under the name and style of "The Town of Garner," and in such name and style shall have the right to contract and be contracted with, and sue and be sued, plead and be impleaded, to purchase, hold and convey real and personal property: *Provided*, that the present mayor and aldermen shall continue in office and discharge the duties thereof until their successors are elected and qualified as herein provided.

Corporate name.

Corporate powers.

Proviso: present officers continued.

Corporate limits.

Sec. 2. That the corporate limits of the said town shall be and are hereby declared to be included within and up to the following boundaries, to-wit: Beginning at a point in the center of the well at H. D. Rand's store, running in an easterly and westerly direction, parallel with the tracks of the North Carolina Railroad Company, one-half mile, and one-quarter of a mile north and south from the center of said well.

Town officers.

Sec. 3. That the administration and government of said town shall be vested in one principal officer styled mayor, and a board of aldermen consisting of five members, which mayor and board of aldermen, with all subordinate officers, shall have all of the powers, privileges and emoluments, and shall be subject to all of the forfeitures, pains and penalties granted under the general

laws governing cities and towns of the State of North Carolina, and be subjected to all of the provisions thereof not in conflict with this act.

Election of mayor and aldermen.

Sec. 4. That the said mayor and board of aldermen shall be elected by the qualified voters of said town on the first Monday in May, one thousand nine hundred and seven, and annually thereafter; that all persons entitled to vote for members of the General Assembly for the county of Wake, and who shall have been *bona fide* residents of the town of Garner for four months preceding the election, shall be entitled to register and vote.

Voters.

Polling place.

Sec. 5. That said election of the mayor and board of aldermen shall be held at some place in the town of Garner to be selected by the mayor and board of aldermen. And said election shall be called and held under the same rules and regulations as are now provided by law for the holding and conducting of municipal elections.

Law governing election.

Vacancies in board of aldermen.

Officers.

Mayor pro tem.

Sec. 6. That the board of aldermen shall have the power to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their duties and terms of office. The board of aldermen shall be further authorized to appoint one of their members mayor *pro tempore*, to act as mayor in case of absence of the mayor or his inability to perform the duties of the office, and the person so appointed shall possess all the powers and rights of the mayor during his absence or inability to attend to his duties.

Report of mayor.

Recommendations of mayor.

Minutes of precepts and proceedings.

Report of costs and fines.

Sec. 7. It shall be the duty of the mayor to communicate quarterly in writing to the board of aldermen (or oftener if he deem it expedient): First, a general statement of the situation and condition of the town in relation to its government and improvement; second, to recommend for the adoption of the board of aldermen all of such measures connected with the police, security, health and cleanliness of the town as he shall deem expedient; third, to keep a faithful minute of all precepts issued by him and all judicial proceedings, and to report in writing at every monthly meeting of the board of aldermen the total amount of costs and fines that have been imposed by him in all judicial proceedings for the violation of the town ordinances during the previous month.

Powers of mayor.

Sec. 8. That the mayor shall have the power to commit any person convicted of a violation of any of the town ordinances to the county or town prison until the fine or cost imposed thereon and the jail fees are paid, as in such cases in other courts. The mayor shall also have full power to sentence any person who has been convicted before him for the violation of a town ordinance or ordinances, as set forth in section ten of this act, to the com-

mon jail of Wake County for a term not exceeding thirty days, or to work on the public streets of the town of Garner.

Mayor constituted inferior court.

Sec. 9. That the mayor of the said town is hereby constituted an inferior court, and as such shall, within the corporate limits

Jurisdiction.

of the town, have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances or regulations of the town, to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the

Mayor made special court.

board of aldermen. The mayor shall further be a special court within the corporate limits of the town, to have arrested and try

Jurisdiction.

all persons who are charged with a misdemeanor for violating any ordinance of the town; and if the accused shall be found guilty, he shall be fined, at the discretion of the court or mayor, not exceeding fifty dollars or imprisoned not exceeding thirty days.

Violation of town ordinance a misdemeanor.

Sec. 10. That any person violating any ordinance of the town shall be deemed guilty of a misdemeanor, but the punishment

Punishment.

thereof shall not exceed a fine of fifty dollars or imprisonment at labor on the streets for thirty days or in the common jail of Wake County.

Precepts of mayor.

Sec. 11. The mayor may issue his precepts to any regular policeman or town marshal, who shall execute the same anywhere in the corporate limits of the town of Garner, in Wake County, or anywhere else in Wake County, or to such other officer to whom a justice of the peace may direct his precept. An endorsement by the mayor or court of the name of a witness upon a summons or warrant shall be authority for the officer to execute the same.

Arrests by police or town marshal.

Sec. 12. That any regular policeman or town marshal arresting any person or persons for a violation of any of the ordinances of the town shall have the right to commit such person or persons to the town or county prison for as early trial as practicable.

Powers of aldermen as to streets.

Sec. 13. That the board of aldermen shall have power to lay out and open any new street or streets within the corporate limits of the town, whenever by them deemed necessary; and they shall have the power at any time to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within the

Condemnation of lands.

corporate limits of the town; and shall have full power and authority to condemn and appropriate any lands or land necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof; but in case the owner of said land sought to be condemned or appropriated for the public use by the board of aldermen and the said board cannot agree as to the compensation, then the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder and citizen of the town; and in case the owner of

the land refuses to choose such arbitrator, then the mayor shall, in his stead, choose one for him; and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land sought to be condemned and ascertain the damages that will be sustained by and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties and shall vest in the board of aldermen the right to use the land for the purposes for which it is condemned; and all damages agreed upon between the owner of the land and the board of aldermen, or awarded by the arbitrators, shall be paid, as other town liabilities, by taxation: *Provided*, that either party may appeal to the Superior Court from the decision of said arbitrators, as is now provided by law. Appeal.

Sec. 14. That the Board of Aldermen of the Town of Garner shall have power, not oftener than annually, to impose, levy and collect a tax upon all real and personal property within the corporate limits of the said town, and also upon all money on hand, solvent credits, and upon all polls and upon all other subjects of taxation taxed by the General Assembly for public purposes, not to exceed fifty cents on the one hundred dollars' worth of property and one dollar and fifty cents on the poll. Powers as to taxes.

Sec. 15. That in addition to the subjects for taxation for State purposes the board of aldermen shall have power to levy and collect a specific or license tax on the following subjects, to-wit: All itinerant merchants, peddlers or auctioneers who shall sell or offer to sell at public or private auction within the town limits, whether by ascending or descending bids; each express company, each telegraph company office and each railroad company having a depot within the corporate limits of the town; each itinerant photograph artist, or person taking likenesses of the human face; each broker or banker's office; each sewing machine company or agent; each life or fire insurance agent; all commission merchants and commercial brokers; each livery stable; every huckster or trader who buys produce on the streets for sale in the markets; each dray, butcher and each barber: *Provided*, the foregoing section shall not be construed to prohibit farmers from selling poultry, meat, eggs and other farm products of their own production. Specific or license taxes.

Sec. 16. That the board of aldermen shall have power to declare all horses, sheep, hogs, jacks, jennies, goats and dogs running at large within the corporate limits of the town a nuisance; and the said board may at their option impose a fine upon the owners of said animals running at large or may treat the same as a nuisance and have it abated totally: *Provided*, that this section shall not apply to dogs whose owners have paid such tax as may Animals running at large. Proviso: dogs.

be imposed on them and have otherwise complied with the ordinances in regard thereto.

Impounding and sale of animals.

Sec. 17. That the board of aldermen are empowered to make such rules and regulations as they may deem best for the impounding and sale of the animals mentioned in section sixteen of this act found running at large in the streets contrary to the ordinances of the town: *Provided*, that no animal shall be sold without first being advertised for five days at the door of the mayor's office and two other public places in the said town; all strays to be taken and duly advertised to be sold at public auction at the door of the mayor's office; the proceeds to be applied, first, to the payment of the fine and keeping, advertising and selling said animal: the balance, if any, to be paid to the owner of said animal, if known; if the owner be not known, and no claim for the same be set up and established to the satisfaction of the mayor within thirty days after said sale, the money to be turned over to the treasurer of the town for the benefit of the same; and the mayor is hereby empowered to make title to all such strays, after having fulfilled the requirements of this section.

Proviso: advertisement.

Application of proceeds.

Tax on circus, shows or exhibitions.

Sec. 18. That the board of aldermen shall have power and authority to levy and collect a special tax, not exceeding fifty dollars, upon every circus company for each separate exhibition within the town; upon every person or company exhibiting within the town limits, dogs or theatrical plays, sleight-of-hand performance, rope or wire dancing or tumbling, and menageries, and the exhibition for reward of artificial models or curiosities (models of useful inventions excepted), a tax not to exceed fifteen dollars for each separate exhibition, said tax to be paid before the exhibition, or the same may be doubled; upon any other exhibition for reward not enumerated above, five dollars for each exhibition: *Provided*, that this act shall not apply to exhibitions by amateur companies when said exhibition is for a religious or charitable object: *Provided further*, that the tax collector, in case of a failure on the part of any of the exhibitors above specified to pay said tax before exhibiting, shall, immediately after the exhibition closes, demand from said exhibitors, the manager or treasurer, if he or she be known or can be found, if not, any member of the company, double the amount of the tax; and if it be not paid, he shall immediately levy upon any of the goods or property belonging to said company or any of them, or which was used in the exhibition or exhibitions given by them.

Proviso: amateur exhibitions for charity.

Proviso: duties of tax collector.

Dealers in meat.

Sec. 19. That the board of aldermen shall have power and authority to levy and collect a special license tax on every person who sells, either on the streets, from wagons or from houses, as a business, any fresh meat for consumption in the town: *Provided*, that this shall not apply to any merchant who pays his regular tax and who purchases said meat in the course of his regular business.

Proviso: regular merchants excepted.

Sec. 20. That the mayor shall keep his office in some convenient part of the town, designated by the board of aldermen. He shall keep the seal of the corporation and shall perform such duties as shall from time to time be prescribed. When present he shall preside at all meetings of the board of aldermen, and when there is an equal division on any question or any election of any officers by the board, he shall determine the matter by his vote, and shall vote in no other case. He shall receive such compensation and fees as may be allowed him by the board of aldermen and as provided for in the general laws, not exceeding one hundred and twenty-five dollars annually. Office of mayor. Duties. Compensation and fees.

Sec. 21. That the board of aldermen shall form one board, and three of them shall constitute a quorum, and a majority of those present shall be competent to perform all duties prescribed for the board, unless otherwise provided. Within five days after the election they shall convene for the transaction of business, and shall then fix their days for meeting for the year, which shall be as often at least as once in every calendar month. Special meetings of the board may also be held on the call of the mayor or two of the members of the board; and when called by the mayor all members of the board shall be notified in writing; when called by any members of the board the mayor and such other of the members of the board as shall not join in the call shall be notified in writing. Quorum of aldermen. Meetings.

Sec. 22. That if the mayor or any member of the board shall fail to attend a general meeting of the board of aldermen or any special meeting of which he shall have notice as prescribed in this act, unless prevented by sickness of himself or family, or absence from the town on necessary business, he shall forfeit and pay for the use of the town the sum of one dollar. Forfeit for failure to attend meetings.

Sec. 23. That the board of aldermen when convened shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, that the same be consistent with this act and the law of the land. Ordinances, by-laws, rules and regulations. Proviso: consistent with law.

Sec. 24. All ordinances passed by the board shall be entered on the minutes of the meeting at which they were passed, and also recorded in a book to be kept for that purpose, which shall set forth the date of the passage thereof; and all ordinances so passed shall be in force after the same shall have been posted at the door of the mayor's office and two other public places in said town for five days. Ordinances recorded and posted.

Sec. 25. All moneys arising from taxation, donation or other sources shall be paid to the treasurer of the said town, and no appropriation thereof shall be made except for the necessary expenses of the town, and by a concurring vote of at least three of the members of the board; and no account shall be valid Appropriations of money. Approval and payment of accounts.

against the said town unless the same has been contracted by the board of aldermen by a majority vote at a regular meeting, and no account shall be paid by the treasurer until the same has been presented to the board at a regular meeting and ordered to be paid by a majority vote, and entered on a book to be kept for that purpose and to be known as the "Record of Accounts," except as hereinafter provided.

Quarantine powers.

Sec. 26. That the board of aldermen may take such measures as they may deem fit to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose all things and persons coming from places believed to be infected with such disease; may cause any person in the town believed to be infected with such disease, and whose stay may endanger the public health, to be removed to some place within or without the town limits; may cause to be disinfected or destroyed such furniture or other articles which shall be believed to be tainted or infected with such contagious or infectious disease, or which there shall be reasonable cause to apprehend will generate or propagate disease, and may take all other reasonable steps to preserve the public health, and for this purpose may use any money in the treasury.

Duties of constable.

Sec. 27. That it shall be the duty of the constable elected by the board of aldermen to see that the laws, ordinances and the orders of the mayor and board are enforced, and report all breaches thereof to the mayor; to preserve the peace of the town,

Powers of constable.

by suppressing disturbances and apprehending offenders; and for that purpose he shall have all the power and authority vested in sheriffs and county constables. He shall execute all precepts lawfully directed to him by the mayor or other judicial officer, and in the execution thereof shall have the same powers which the

Fees.

sheriff or constables of the county have; and he shall have the same fees on all process and precepts executed and returned by him which may be allowed to the sheriff on like process and precept, and also such other compensation as the board may allow:

Proviso: to be of full age.

Provided, that no person under twenty-one years of age be appointed constable.

Bonds of officers.

Sec. 28. That the board of aldermen shall have the power to designate such of the officers elected by them as shall give bonds, which bonds shall be with security, to be approved by the board, in a penal sum to be fixed by the board, payable to the State of North Carolina, with conditions for the faithful performance of the duties of the office held by said officer.

Powers and duties of tax collector.

Sec. 29. That any tax collector elected for the town of Garner shall have the same power and be subject to the same penalties in collecting the taxes levied by the town as the sheriffs of the State in the collection of the taxes by them.

Sec. 30. The said treasurer of the board of aldermen shall, within three days of the first of each and every month, make a complete report, under oath, of all moneys had and received by him, from what source derived and to whom paid, giving the name of each person from whom money was received and to whom it has been paid and for what purpose, specifically setting out each item, both of receipts and disbursements, had by him during the preceding month; and if the said treasurer shall fail and refuse to make such report for two consecutive months, he shall thereby forfeit his office and be guilty of a misdemeanor and punished in the discretion of the court, and it will be the duty of the said board of aldermen to immediately appoint his successor. Reports of treasurer. Failure to report a misdemeanor. Punishment.

Sec. 31. All laws and clauses of laws in conflict with this act or any of its provisions are hereby repealed.

Sec. 32. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 198.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MANTEO, IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter sixty-six of the Private Laws of one thousand eight hundred and ninety-nine be amended by striking out the word "seven," in line two of said section, and inserting in lieu thereof the word "three"; and by inserting after the word "marshal," in said line, the following: "who shall have the same powers and upon whom shall devolve the same duties as town constables under existing law." Number of town commissioners. Powers and duties of marshal.

Sec. 2. That section four of said chapter be amended by striking out the word "succeeding," in line three thereof, and inserting in lieu thereof the word "alternate." Biennial election.

Sec. 3. That section five of said chapter be amended by striking out all after the words "United States," in line three thereof, down to and including the word "poll," in line seven of said section. Limit on tax levy stricken out.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 199.

AN ACT TO ESTABLISH THE WINDSOR GRADED SCHOOL DISTRICT, IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That the following territory in Windsor Township, in Bertie County, State of North Carolina, to-wit: Beginning at Cashie River at the county farm at Austin; thence running along the southern line of said farm to Cashie Neck and Windsor public road; thence up said public road to the church and Reeves' old railroad bed; thence along said old railroad bed to the public road leading from the Heckstall farm to the Windsor and Colerain public road; thence along said public road by J. B. Stokes' residence to the Windsor and Colerain public road to Cashie bridge, at Cashie River to Hoddard's mill; thence down Cashie River to the place of beginning, be and the same is hereby constituted a public school district for white and colored children, to be known as "The Windsor Graded School District."

Windsor graded school district.

Special tax to be voted on.

Sec. 2. That the Board of Commissioners of Bertie County are hereby authorized to submit, at any time within twelve months from the ratification of this act, to the qualified voters of said graded school district, at an election to be held in the town of Windsor, the question whether an annual tax shall be levied and collected for the graded schools of said graded school district.

Trustees classified.

Terms of office.

The said trustees shall be divided into three classes: the first three trustees shall hold their offices for two years; the second class of trustees shall hold their offices for four years, and the third class of trustees shall hold their offices for six years, all dating from the ratification of this act.

Form of ballots.

Sec. 3. That at the election held under the provision of this act those favoring the levying and collecting of such tax shall vote a written or printed ballot, without device, with the words "For Schools" upon it, and those opposed to the levying and collecting of such tax shall vote a printed or written ballot, without device, with the words "Against Schools" upon it. The penalty for illegal or fraudulent voting shall be the same as in the election of members of the General Assembly. The board of commissioners shall give twenty days' notice of the time of holding said election, by causing the same to be published in a newspaper published in Bertie County, and by posting said notice at three public places in said district. The board of commissioners of said county shall appoint a registrar of the voters of said district, who shall be a qualified voter of said district, and who shall make an entirely new registration of such voters; and the said board of commissioners shall appoint two judges of election, who shall be qualified voters of said district; and they, together with said

Notice of election.

Registrar.

New registration.

Judges of election.

registrar, shall hold the election herein provided for, which shall be held under the rules and regulations provided by law for the election of members of the General Assembly; and upon the conclusion of the said election, they shall canvass and judicially determine the result, and shall certify to the board of county commissioners the number of votes cast for schools and the number of votes cast against schools, together with the number of qualified voters shown by the registration books of the said graded school district.

Canvass of votes.

Certificate.

Sec. 4. That if a majority of the qualified voters of said graded school district shall vote "For Schools," the said tax shall be levied by the board of county commissioners and collected by the tax collectors in said district, under the same rules and regulations under which other taxes are levied and collected, and the said tax collectors shall be subject to the same liabilities for the collection and disbursement of said taxes as they may be for other school taxes, and they shall receive as compensation for such services two per centum commission on the amount collected: *Provided*, that the special taxes so levied and collected shall not exceed twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on each poll: *Provided further*, that said special taxes are to be levied and collected only in case of failure to raise enough money otherwise to meet the demands and pay off the indebtedness and expenses of said graded schools, and are not to be levied and collected unless the board of trustees of the said graded school district shall file with the board of county commissioners a report or petition setting out that the levy and collection of said special tax are necessary. The said tax collectors shall pay the amount so collected under this act to the treasurer elected by the board of trustees of said graded school district as hereinafter provided for.

Collection of tax, if voted.

Commission.

Proviso: limit on tax rate.

Proviso: tax only levied when necessary.

Sec. 5. That thirty-seven and a half per cent. of the net profits of the Windsor dispensary shall be paid to the treasurer elected by the board of trustees of said graded school district as hereinafter provided for.

Profits of dispensary.

Sec. 6. That the special taxes levied and collected under this act and said thirty-seven and a half per cent. of the net profits of said dispensary shall, together with any funds received from other sources, be expended in keeping up separate schools for the white and colored children in said districts, between the ages of six and twenty-one years, in such manner as may be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools.

Funds for graded schools.

Sec. 7. That the board of graded school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded schools to an amount not exceeding ten thousand dollars, of such denomination and of such propor-

Bond issue authorized.

Interest.

tion as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable semi-annually, at such time and place or places as may be deemed advisable by said board of trustees; said bonds to be of such form and tenor and

Maturity.

transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as said board

Proviso: issue of bonds.

of trustees may determine: *Provided*, that said board of trustees shall issue bonds at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for in section eight of this act.

Application of proceeds of bonds.

Sec. 8. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said board of graded school trustees in providing by purchase or otherwise such graded school buildings as may be required and in furnishing the same with school furniture and other necessary equipment.

Bonds not to be sold below par.

Sec. 9. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for less prices than their par value; nor shall said bonds nor their proceeds be used for any other purpose than that declared in section eight of this act.

Payment of bonds and interest.

Sec. 10. That the interest on said bonds and the bonds themselves shall be paid from the funds and taxes levied for said school district, and from the thirty-seven and one-half per cent. of the net profits of said dispensary hereinbefore provided in this act.

Trustees named.

Sec. 11. That A. S. Rascoe, George L. Mardre, J. B. Stokes, for two years; W. L. Lyon, M. B. Gillam, E. L. Gatling, for four years; S. W. Kenney, Thomas Gilliam and J. H. Matthews, for six years, shall be and are hereby constituted a board of trustees

Terms of office.

for the public schools of said graded school district; that the first named two of said trustees shall hold office until the first Monday in July, one thousand nine hundred and nine, and the next two until the first Monday in July, one thousand nine hundred and eleven, the next two until the first Monday in July, one thousand nine hundred and thirteen, the next two until the first Monday in July, one thousand nine hundred and fifteen, and the last named one of said trustees until the first Monday in July, one thousand nine hundred and seventeen, and their successors, elected as hereinafter provided, shall hold office for the term of two

Vacancies.

years each. The vacancies occurring by reason of the expiration of the terms of office of trustees as aforesaid, and any and all vacancies in said board of trustees occurring by death, resignation or otherwise, shall be filled by a majority vote of the other members of such board of graded school trustees holding over:

Proviso: trustees not officers.

Provided, that the position of trustee shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of this State.

Trustees incorporated.

Sec. 12. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate, by the name and style of "The Board of Graded School Trustees of Windsor," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; acquire by gift, purchase or devise real and personal property; hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and change at pleasure.

Corporate name.

Duties of trustees.

Sec. 13. That it shall be the duty of said board of graded school trustees to establish graded public schools for the white and colored children of said graded school district in accordance with the provision of this act; and said board of school trustees shall have exclusive control of all public schools in said district, free from the supervision and control of the county board of education, and shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall prescribe rules and regulations, not inconsistent with this act, for their own government of such schools; shall cause to be taken from time to time, in accordance with the general school law of this State, an accurate census of the school population of said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools: *Provided*, that the County Board of Education of Bertie County, until the thirtieth day of June, one thousand nine hundred and seven, shall exercise over the public schools in said district all such powers as have heretofore been exercised by said board of education over the public schools in said county: *Provided further*, that on the thirtieth day of June, one thousand nine hundred and seven, the said county board of education shall turn over to said board of graded school trustees all public school property in said graded school district. And the treasurer of Bertie County school funds shall, on said thirtieth day of June, one thousand nine hundred and seven, pay to the treasurer of said board of graded school trustees all funds in his hands belonging to the public schools in said graded school district.

Powers of trustees.

School census.

Proviso: county board of education.

Proviso: property and funds turned over to trustees.

Apportionments from general school fund.

Sec. 14. That all public school funds derived from the State and from the county of Bertie, for the use and benefit of the public schools in said graded school district, shall be paid over to the treasurer of the said board of graded school trustees for the use and benefit of the graded public schools in said graded school district, as hereinbefore provided in section thirteen of this act; and the property of the various public school districts in said graded school district, both real and personal, shall become the property of the said graded school district, and the title thereto shall be vested in said board of graded school trustees in trust

Title to property vested in trustees.

for the said graded schools in said district; and said board of graded school trustees may, in their discretion, sell the same or any part thereof and make title to the purchaser, and apply the proceeds to the use of the public graded schools to be established in said graded school district.

Superintendent.

Sec. 15. That said board of graded school trustees shall elect annually, at least thirty days before the opening of the fall term of said graded schools, a superintendent, who shall supervise the graded schools of said graded school district, and exercise such powers and discharge such duties as said board of trustees may prescribe.

Curriculum and text-books.

Sec. 16. That said board of graded school trustees are hereby authorized, in their discretion, to fix a curriculum of studies, and to adopt text-books for said graded schools as provided by the general school law; to provide for instruction other than that included in the prescribed course, and to admit pupils residing without the limits of said graded school district, upon such terms as said board of trustees may deem just and reasonable.

Non-resident pupils.

Reports.

Sec. 17. That it shall be the duty of said board of graded school trustees to make to the County Superintendent of Bertie County annually, after the close of each school year, a full report of the operations of the public graded schools of said graded school district.

Sec. 18. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 19. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 200.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF TARBORO TO ISSUE BONDS TO IMPROVE ITS STREETS, AFTER FIRST SUBMITTING THE QUESTION OF THE BOND ISSUE TO THE PEOPLE.

The General Assembly of North Carolina do enact:

Streets to be improved.

Section 1. That, whereas the town of Tarboro, Edgecombe County, has resolved to improve that portion of its Main Street and sidewalks embraced within the following boundaries, viz.: Beginning at a point on the north side of Church Street where Church and Main Streets intersect, and moving south down Main Street the distance of four blocks, according to the map and plot of said town, to the foot of the Tar River bridge; and the board

of commissioners of said town desire to issue bonds for the purpose of raising a fund wherewith to pay off and discharge such indebtedness as it shall of necessity incur in undertaking and beginning and completing said work; the Mayor and Board of Commissioners of the said Town of Tarboro are hereby fully empowered and authorized to issue coupon bonds to the amount of twenty-five thousand dollars for the purpose of paving and otherwise improving said street and sidewalks between the points and distances hereinbefore designated and pointed out; said bonds to bear interest at a rate not to exceed six (6) per cent. per annum, the interest to be payable semi-annually, upon such dates as the mayor and board of commissioners of said town may determine. The principal and interest of said bonds shall be payable in current funds of the United States Government, and at such places as the said board may direct. The said bonds shall be issued in denominations of one thousand dollars each. Said bonds and their coupons shall be numbered, and the bonds signed by the mayor of said town and countersigned by the town clerk, and the corporate seal of the said town shall be affixed, and the coupons shall bear the lithographed fac-simile signature of the mayor. Said bonds shall be sold under such regulations as the board of commissioners may direct, but none of said bonds shall be sold for less than par; and the proceeds derived from the sale of said bonds shall be applied to the payment and discharge of such indebtedness as may be created by the paving, macadamizing or otherwise improving said street and sidewalks of said town within the bounds and limits as aforesaid.

Amount of issue.

Interest.

Denomination.

How bonds authenticated.

Bonds to be sold not below par.

Application of proceeds.

Sec. 2. The principal of all of said bonds shall be due and payable as follows: One thousand dollars on the first day of January, one thousand nine hundred and eight, and one thousand dollars on the first day of each succeeding January thereafter, until the full quota (twenty-five thousand dollars) of the bond issue is consumed and paid off; said bonds becoming due and payable in the order of their numbers.

Maturity.

Sec. 3. The coupons of said bonds shall be receivable for all taxes due or to be levied by said board of commissioners of the said town of Tarboro, or by its successors in office, and the interest on said bonds shall be payable out of the ordinary revenues and taxes of the said town, if said revenues are sufficient, after paying the current necessary expenses of each year.

Coupons receivable for town taxes.

Sec. 4. To further provide for the payment of the interest upon the said bonds and the principal as they may mature, the said board of commissioners or its successors shall, in the event that it becomes necessary, levy an annual special tax on the polls, personal and real property, and other subjects of taxation in the said town, of not less than five nor more than twenty cents on the one hundred dollars assessed valuation on property and not less

Special tax, if necessary.

Rate.

than fifteen nor more than sixty cents on each poll; but they shall levy a tax sufficient to meet and pay the interest semi-annually upon the said bonds and the principal thereof as they mature. Said special tax shall be levied and collected from the polls, personal and real property, and other subjects of taxation in the said town, in the same manner as other taxes of said town are levied and collected. Said special tax shall be applied, when collected, strictly to the payment of the interest on said bonds and the principal thereof as they mature.

Application.

Question submitted to voters.

Notice.

Polling places.

Form of ballots.

Sec. 5. That before any of the bonds hereinbefore provided for shall be issued the question of issuing same shall first be submitted to the qualified voters of said town, after thirty days' notice in some newspaper published in said town, at an election to be held under the same rules and regulations as are prescribed by law for elections of mayor and board of commissioners of said town, save and except that for the purposes of the election herein provided for there shall be only two polling places in said town, viz.: At the town hall and the county court-house. The qualified voters residents of wards numbers one, three and five of said town shall be required to attend the polling place located at the town hall, and those qualified voters residents of wards numbers two, four and six of said town shall be required to attend the polling place located at the county court-house. Such notice herein provided for shall set forth the object for which said bonds are to be issued, the amount of same, the rate of interest, the time when they mature, and the rate of tax to be levied and collected to pay the same. Those qualified voters approving the issue of such bonds and levying and collecting the taxes to pay the same shall deposit a ballot in a separate ballot-box with the words "For Bond Issue" thereon; those disapproving the same shall deposit a like ballot with the words "Against Bond Issue" thereon. If at such election a majority of the qualified voters shall vote for bond issue, the board of commissioners of the town shall issue the bonds provided for in such notice, and may levy and order the collection of the taxes therein named and authorized by this act.

Street improvements, if bonds are voted.

Sec. 6. That in the event a majority of the qualified voters of said town as aforesaid, at the election held for the purpose, cast their ballots for said bond issue, and the same is duly ordered by the board of commissioners of said town, then the Mayor and Board of Commissioners of the Town of Tarboro as aforesaid, out of funds available from the sale of bonds under and by virtue of section one of this act, shall have full power and authority to grade, pave, macadamize and otherwise improve for travel and drainage that portion of Main Street of said town embraced within the bounds and limits hereinbefore defined, and to construct sidewalks and pave the same, and put down crossings,

curbings and cross drains, and otherwise properly improve those portions of Main Street and its sidewalks as are embraced within the bounds and limits hereinbefore defined.

Cost of sidewalks assessed on property.

Sec. 7. In order to more effectually carry out the authority existing and by this act delegated, to improve those portions of the street and sidewalks hereinbefore defined of said town, the said mayor and board of commissioners shall have the right to assess the entire cost of grading, paving and otherwise improving the sidewalks, including the cost of all necessary curbing for same, on Main Street of said town, on the real estate abutting on the streets and on the side of the street on which the sidewalk is so improved, and each lot shall be charged with its ratable proportion of said assessment according to its frontage.

Assessment a lien on lots.

Sec. 8. The amount of the assessment for such improvement of sidewalks and curbing as authorized in the preceding section of this act on each piece of real estate or lot shall be a lien on such real estate, and the amount of said lien and of said assessment against all property abutting on said street or streets as aforesaid shall become due and payable as follows, to-wit: In three equal installments, payable three, six and nine months from the date of the assessment, and in case of failure to pay either of said installments within thirty days after its maturity, then all shall become due at once and enforceable against the property on which a lien is authorized, at the instance of the town of Tarboro by suit instituted in the Superior Court of Edgecombe County; and in his answer to the action so instituted the owner shall have the right to deny the whole or any part of the amount claimed to be due by the town and to plead any fact relied upon to question the legality of the assessment, and the issues raised shall be tried and the cause in other respects disposed of according to law and the practice of the court.

Payment of assessments.

Payment enforced.

Bonds exempt from town tax.

Sec. 9. That no bonds or bond issued under and by virtue of this act shall be subject to taxation by the municipality for municipal purposes.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 201.

AN ACT TO LEGALIZE THE MARRIAGE OF WILLIAM SAUNOOK AND MINNIE SAUNOOK, NEE MINNIE BRADLEY.

Preamble.

Whereas, on the twenty-fourth day of November, one thousand eight hundred and ninety-nine, William Saunook, a Cherokee Indian, and Minnie Bradley, a woman of mixed white and Cherokee blood, were married in the State of Tennessee, in the county of Sevier; and whereas, doubt exists as to the legality of said marriage in the State of North Carolina, where the said William Saunook and Minnie Saunook now reside, they being members of the eastern band of Cherokee Indians: now, therefore,

The General Assembly of North Carolina do enact:

Marriage legalized.

Section 1. That the marriage of William Saunook and Minnie Saunook, *nee* Minnie Bradley, be and the same is hereby legalized and made valid in every respect.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 202.

AN ACT TO AMEND CHAPTER 472, PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and seventy-two of the Public Laws of one thousand eight hundred and nine-nine be amended by repealing section seven thereof, and inserting in lieu thereof the following: The county board of education shall, on the first Monday in July, Anno Domini one thousand nine hundred and seven, and biennially thereafter, appoint three intelligent men of good moral character and business qualifications of said district, and who are known to be in favor of public education, who shall serve for two years from the date of their appointment as school committeemen in said district, and until their successors are elected and duly qualified.

Appointment of school committee.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1907.

CHAPTER 203.

AN ACT TO INCORPORATE AMERICAN-JAPANESE COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That F. L. Fuller, Jones Fuller and John F. Wily and their associates and successors be and they are hereby declared a body politic and corporate under the name of American-Japanese Company, and by that name may sue and be sued, have perpetual succession, make any and all kinds of contracts, have and use a common seal and the same alter at pleasure; receive, purchase, hold, improve, mortgage, convey, transfer and sell all kinds of property, both real and personal, goods, wares and merchandise; make and establish all such by-laws and regulations as shall be found meet and expedient for the government of the said corporation and the management of its business and property, not inconsistent with the Constitution and laws of the State of North Carolina or the United States, and do all lawful acts and things and exercise all lawful franchises, rights, powers and privileges incident to corporations under the laws of this State. Corporators. Corporate name. Corporate powers.

Sec. 2. The principal office of the said corporation shall be in the city of Durham, North Carolina, with such other places of business and branch offices in said State, and in any other State or States or foreign country, as the board of directors of said company may deem necessary. Principal office. Branch offices.

Sec. 3. That the objects for which said company is formed are to build and maintain a dam or dams across any river or other stream in the State of North Carolina, at any place or places in said State or in other States, for the purpose of utilizing the water power thereof; and to build, maintain and operate electric and other power plants, bridges and ferries, cotton mills, cotton gins, paper mills, pulp mills and all other kinds of mills or factories; canals, aqueducts, water-ways, waste-ways, wells and reservoirs needful for the mills, factories and other places of business; to make and sell power, light, heat, gas, electricity, and goods and products of every kind and material; also to establish settlements or towns, and to supply to the public, including individuals and corporations, in towns thus established or in other municipalities within the State of North Carolina or elsewhere, water for domestic or manufacturing purposes, power in the form of electrical current, pneumatic or steam pressure or any of the said forms, or in any or all other forms for use in driving machinery and for light, heat or other uses for which the power so applied can be made applicable, and to fix, charge, collect and receive payment therefor; and for the purpose of enabling the company to supply power as aforesaid, the company is authorized and em- Objects of company.

powered to buy or otherwise acquire, generate, develop, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate from any place or places in the State where the said company may establish plants to any distributing points in the State where they may elect, and from the same to any other points, by the most practicable routes, to be determined by the board of directors of the company, lines for the transmission of power by wire, on poles or underground, by cables, pipes, tubes, conduits and all other convenient appliances for power transmission, with such connecting lines between the lines above mentioned, and also with such branch lines as the directors of the company may locate or authorize to be located for receiving, transmitting and distributing power; and as appurtenances to the said lines of power transmission and their branches the company may acquire, own, hold, sell or otherwise dispose of water powers and water privileges in the State of North Carolina and elsewhere, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, reservoirs, gates, bridges, tunnels, stations and other buildings, boilers, engines, machinery, switches, lamps, motors and all other works, structures and appliances, in the State of North Carolina; and also the power to build, own, control and operate electric railway lines for the transportation of freight and passengers, and to charge, collect and receive tolls therefor; and may own, rent, lease or sell power for any other uses to which electricity, steam or water power can be applied; and the said corporation, for the purpose of acquiring lands or water rights which would be damaged by reason of the erection of a dam or dams as aforesaid, and for the various other purposes set forth in these articles of incorporation, shall have power to condemn land, water rights or any easement or interest therein; and the proceedings for the condemnation of such lands, water rights or any easement of interest therein shall either be as prescribed in chapter sixty-one, volume one of the Revisal of one thousand nine hundred and five, and the laws amendatory thereof, or the said corporation may file a petition before the clerk of the Superior Court of the county wherein the land or water rights lie, specifying the objects for which the land or water rights are desired, with a description thereof. The clerk of the Superior Court shall thereupon issue a summons or notice to the owner of said land or water rights, returnable to a day certain, and after ten days' notice and after a hearing, shall make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damage of the

Power to condemn land.

Proceedings for condemnation of land.

land, water rights or other easement or interest therein desired. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, water rights or other interests desired, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto. If the petition shall pray for a condemnation of the right-of-way only the consideration or damages allowed shall be for the said easement only, but if for lands or water rights the consideration or damages shall be for the fee. The appraisers shall make their report to the clerk of the Superior Court within ten days from the time of their meeting on the premises; said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court in term-time from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk: *Provided*, that lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed, when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities respectively thereof shall, upon application from the company, prescribe.

Appeal.

Proviso: lines on streets and highways.

Sec. 4. That said corporation shall likewise have the right, power and authority to lay out, build, construct, maintain and equip with suitable rolling or other stock and operate such roads, whether electric railway, plank or turnpike, and to erect, establish, maintain and operate such telegraph and telephone lines and apparatus as may be necessary; and shall likewise have the right, power and franchise to charge such tolls, fares, fees and compensation as is reasonable for the use, service or travel over such roads, turnpikes, bridges, canals, telegraph or telephone lines as it may erect, construct and operate.

Electric railway, plank or turnpike roads.

Sec. 5. That said corporation is also authorized and empowered to lease or deal in or otherwise acquire lands, tenements, hereditaments and all other manner of real and personal property, including cotton mills, factories, office buildings, houses, water powers, mineral rights, roads, bridges, electric railways and all kinds of real property or personal property whatsoever, to such an extent as may seem proper, and as fully as citizens of the State may do, and may sell and convey or lease the same to other persons or corporations; and said corporation is authorized to pay for such real estate or other property as it may purchase or acquire by issuing bonds and executing mortgages to secure the payment thereof.

Power to deal in real and personal property.

Sec. 6. That it shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem ex-

Power to borrow money.

pedient and proper, for any of the purposes of the company, and may secure the payment of the said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal or mixed, its contracts and privileges, and its charter rights and franchises, or in any other manner a majority of the directors may see fit; and it may, as the business of the company shall require, sell, lease, convey and encumber the same.

Capital stock.

Sec. 7. That the capital stock of the said corporation shall be at first one hundred and twenty-five thousand dollars ($125,000), divided into twelve hundred and fifty shares, of the par value of one hundred dollars ($100) each, of which twenty-five thousand

Preferred stock.

dollars ($25,000), that is to say, two hundred and fifty shares, shall be preferred stock; twenty-five thousand dollars ($25,-

Second preferred stock.

000), that is to say, two hundred and fifty shares, shall be second preferred stock; and seventy-five thousand dollars ($75,-

Stock votes.

000), that is to say, seven hundred and fifty shares, shall be common stock. The holders of the shares of all classes of stock shall have equal vote in any of the meetings of the stockholders

Dividends on preferred stock.

of said corporation. The holders of the said preferred stock shall be entitled to receive from the surplus or net profits arising from the business of this corporation a fixed yearly dividend of six (6) per cent., payable semi-annually, at such time or times as shall be fixed by the by-laws, before any dividends shall be set apart or paid on said second preferred or common stock;

Dividends on second preferred stock.

the holders of the shares of the second preferred stock shall be entitled to receive from the surplus or net profits arising from the business of the said corporation a fixed yearly dividend of five (5) per cent., payable semi-annually, at such time or times as shall be fixed by the by-laws, before any dividends

Cumulative dividends.

shall be set apart or paid on said common stock. The dividends upon the preferred stock shall be cumulative from and after its issue, and the dividends upon the second preferred stock shall be cumulative from and after January first, one thousand nine hundred and seventeen; and if in any year after such dividends become cumulative, as provided for above, they are not paid, the deficiency shall be charged upon the future net earnings and be payable subsequently, before any dividend shall be set

Dividends on common stock.

apart or paid on the common stock. After the dividends upon the preferred stock and second preferred stock shall have been paid, or set aside as aforesaid, the holders of the common stock shall be entitled to receive from the surplus or net profits arising from the business of the said corporation dividends in such amount as may be determined from time to time by the board of directors, and which shall be payable at such times as shall be fixed by

Preference of preferred and second preferred stocks on dissolution.

them. The holders of the preferred stock and second preferred stock shall, in case of liquidation or dissolution of the company, be entitled to be paid in full to the extent of the par value of the

said stock before any amount shall be paid to the holders of the general or common stock, and after such payment of the preferred stock and second preferred stock all assets of the company shall belong to the holders of the common stock. The said corporators shall have power to authorize the said company to commence business when one hundred thousand dollars ($100,000) of the said stock shall have been subscribed, and the stockholders of the said company shall have power from time to time by a majority vote of the same to increase the capital stock of the said corporation to any amount, divided into preferred, second preferred and common stock in such proportions as to them shall seem best; and whenever any increase of said stock is desired by said corporation over and above the sum of one hundred and twenty-five thousand dollars ($125,000) the said corporation shall make application to the Secretary of State for the increase desired, and upon payment to the said Secretary of State of the fees for said increase he shall issue to the said corporation a certificate, under his seal of office, authorizing the amount of increase of the capital stock by the said corporation, and after such certificate of the Secretary of State is issued the said corporation shall have full power to increase its capital stock in the amount set forth in such certificate.

Business to commence on $100,000.

Increase of stock.

Sec. 8. In furtherance and not in limitation of the powers conferred by statute, the board of directors are expressly authorized: To hold their meetings, to have one or more offices, and to keep the books of the company within or without the State of North Carolina; but the company shall always keep at its registered office in North Carolina a transfer book, in which the transfers of stock can be made, entered and registered, and also a stock book containing the names and addresses of the stockholders and the number of shares held by them respectively, which shall be at all times during business hours open to the inspection of the registered stockholders in person; to determine from time to time whether, and, if allowed, under what conditions and regulations the accounts and books of the company (other than the stock and transfer books) or any of them shall be open to the inspection of the stockholders, and the stockholders' rights in this respect are and shall be restricted or limited accordingly; to make, alter, amend and rescind the by-laws of the company; to fix the amount to be reserved as working capital; to fix the time for the declaration and payment of dividends; to authorize and cause to be executed mortgages and liens upon the real and personal property of the company: *Provided always*, that a majority of the whole board concur therein, with the consent in writing and pursuant also to the affirmative vote of the holders of a majority of the stock issued and outstanding at a stockholders' meeting duly called for that purpose; to sell, assign, transfer or otherwise dis-

Powers of directors.

Transfer and stock books.

Transfer and stock books open to inspection of stockholders.

Conditions and regulations of other books and accounts may be examined by stockholders to be determined by directors.

Proviso: majority of board to concur in mortgage.

Proviso: majority of board to concur in sale.

pose of the property of the company as an entirety: *Provided always*, that a majority of the whole board concur therein. The company may use and apply its surplus earnings or accumulated profits to the purchase or acquisition of property from time to time, to such extent and in such manner and upon such terms as its board of directors shall determine; and the property so purchased and acquired shall not be regarded as profits for the purpose of declaration or payment of dividends, unless otherwise determined by a majority of the board of directors.

Stockholders not individually liable.

Sec. 9. That no incorporator or stockholder shall be individually liable for any of the debts, obligations or torts of the company.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1907.

CHAPTER 204.

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO ISSUE BONDS AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Bond issue submitted to voters.

Section 1. That the question of issuing bonds of the town of Plymouth in an amount not exceeding twenty-five thousand dollars,

Amount.

to be expended as hereinafter provided, is hereby authorized to be submitted to the qualified voters of the said town of Plymouth.

Date for election.

Sec. 2. That an election for this purpose shall be held on the first Monday in May, one thousand nine hundred and seven, under the same rules and regulations as are now prescribed for

Law governing election.

holding municipal elections of said town of Plymouth. Those in

Ballot.

favor of issuing the bonds shall vote a ticket having thereon the word "Bonds," and those opposed shall have thereon the words "Against Bonds."

Result declared.

Sec. 3. That the result of such election shall be declared at the same time and in the same manner as is now prescribed for declaring the result of municipal elections of the said town of

Bonds to be issued.

Plymouth. If it shall appear that a majority of the votes cast shall be in favor of bonds, then the board of councilmen of the said town of Plymouth shall cause the same to be prepared and issued,

Howauthenticated.

said bonds to be signed by the mayor of said town and countersigned by the clerk; the interest on said bonds to be at a rate

Interest.

not to exceed five per centum per annum, payable annually, represented by coupons attached, lettered and numbered corresponding to the bonds of which they represent the interest.

Special tax for bonds and interest.

Sec. 4. That in order to meet the payment of said bonds and the accruing interest thereon, the board of public works hereinafter mentioned are authorized and empowered to levy and collect a special tax, not exceeding twenty-five cents on the one hundred dollars of assessed valuation of all the property, real and personal, and solvent credits within the corporate limits of said town, and not exceeding seventy-five cents on the poll.

Rate.

Board of public works.

Sec. 5. That said bonds when issued shall be placed in the hands of the board of public works. Said bonds shall be negotiated to the best advantage by the said board of public works and the proceeds thereof shall be paid over to the treasurer elected by said board of public works, whose term of office and pay may be fixed by said board, and used under the direction of said board of public works for the following purposes, to-wit: For establishing a system of water-works and electric lights in said town, and for such other improvements in said town as the said board of public works may deem necessary and proper: *Provided*, said bonds shall not be sold for less than their par value.

Treasurer.

Application of proceeds.

Bonds not to be sold below par.

Treasurer to give bond.

Sec. 6. That the said board of public works shall require the treasurer elected by said board to execute such bond as to them may seem just and proper.

Denominations of bonds.

Sec. 7. That the said bonds shall be of the denominations of one hundred dollars ($100), five hundred dollars ($500), one thousand dollars ($1,000), and two thousand dollars ($2,000), and shall bear interest from the date of their issue. Said bonds shall run for thirty years.

Board of public works appointed.

Sec. 8. That Levi Blount, E. B. Norman, A. L. Owens, W. J. Jackson, C. D. Loane, P. E. Davenport and Clarence Latham be and they are hereby appointed commissioners, and they and their successors shall be known as the Board of Public Works, whose duties shall be to negotiate the bonds herein authorized to be issued, and to make improvements in said town for which said bonds are issued.

Terms.

Sec. 9. That said board of public works shall hold their offices for one, two, three, four, five, six and seven years, respectively, determined by lots, and until their successors shall be elected and qualified; and their successors shall be elected by said board of public works, and their terms of office shall be for four years. In case of a vacancy on account of the resignation or death of any member of said board of public works, or his removal from the town, the said board of public works shall elect to fill the unexpired term.

Vacancies.

Power and authority of board.

Sec. 10. That the said board of public works shall have the power and authority to control the streets of the town of Plymouth, so far as the laying the pipes for sewerage and erecting poles for electric light wires, and to condemn a site for the loca-

tion of the power house, water tower and all other necessary buildings to complete said improvements, at the foot of Adams Street.

Sheriff to collect special tax.

Sec. 11. That the sheriff of the county shall collect the taxes levied under this act, and shall pay over the same to the treasurer of the said board of public works, first giving a bond to the said board which shall be approved and satisfactory to them.

Bond.

Sec. 12. That all laws in conflict with this act be and are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1907.

CHAPTER 205.

AN ACT TO INCORPORATE THE HOME SAVINGS BANK, CITY OF GREENSBORO, GUILFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That C. A. Bray, Dred Peacock, W. H. Osborn, J. P. Sanders, J. E. Brooks, C. M. Vanstory, J. W. Lindau, T. A. Hunter and R. C. Hood, together with such other persons as they may associate with them, their successors and assigns, be and they are hereby created and constituted a body politic and corporate under the name of the Home Savings Bank, by which name they may sue and be sued, plead and defend in any court, and shall have the right to adopt and use a common seal, and to make such by-laws, rules and regulations as they may deem best for the betterment of said corporation, not inconsistent with the laws of the State, and shall have continual succession for the term of ninety years, with all the rights, privileges, powers and franchises pertaining to a corporation or banking institution under the general laws of this State.

Corporate name.

Corporate powers.

Capital stock.

Sec. 2. That the capital stock of said corporation shall be twenty-five thousand dollars ($25,000), divided into two hundred and fifty (250) shares, of the par value of one hundred dollars ($100) each, which said capital may be increased at any time, or from time to time, by a vote of the majority of the stockholders to any sum not exceeding one hundred and twenty-five thousand dollars ($125,000). When said twenty-five thousand dollars ($25,000) of said capital stock is subscribed the incorporators above named, or any five of them, or their assigns, shall be deemed and held ready and capable to organize, which they shall do by electing a board of directors, to consist of not less than five nor more than

Organization.

Directors.

fifteen persons, who shall serve for one year or until their successors are elected and qualified; and such directors so chosen shall proceed to elect a president from their number, whose term shall expire at the expiration of the term of the directors, unless it be otherwise provided in the by-laws; and such board of directors shall elect a vice-president, cashier and such other officers as they may deem necessary, and no person shall be elected a director, president, vice-president or cashier unless he be a stockholder in said corporation. The directors shall require of the several officers of said corporation, as they may deem advisable, such bonds and sureties for the honest and faithful discharge of their duties as said directors may order.

Term.

President.

Other officers.

Officers and directors to be stockholders.

Bonds of officers.

Sec. 3. This corporation is specially invested with power and authority to carry on, conduct and operate a general savings bank business in all its branches, and may receive deposits in large or small sums, and may pay interest thereon at such a lawful rate as the board of directors may fix, and may receive deposits from or make loans for, and obtain and procure loans for any person, company, corporation, co-partnership or association, including apprentices, minors and *femes covert;* to invest its own money or the money of others; to loan and invest money on or upon the security of mortgage, pledge or deed of trust; to lend money upon, purchase or otherwise acquire bills of lading or the contents thereof, bills, notes or any and all negotiable and commercial paper, or any credit or other personal property, and sell, invest or dispose of the same, and to charge no rate of interest except that allowed by law, with power to act as trustee in mortgages or deeds of trust securing bonds or other corporate obligations.

General banking powers.

Interest on deposits.

Sec. 4. The stockholders of this corporation shall be individually liable equally and ratably, and not one for another, for all contracts and debts of the corporation to the extent only of the par value of the stock by them respectively subscribed for, in accordance with the banking laws of the State of North Carolina. The stock of this corporation held by any person shall be transferred only on the books of the corporation either in person or by power of attorney. The said corporation shall have authority to transact business whenever said two hundred and fifty (250) shares of stock have been fully subscribed to the capital stock, and the sum of fifty dollars ($50) per share shall have been paid in upon such subscription. Further assessments shall be paid in as called for by the directors, until all of said capital stock, amounting to twenty-five thousand dollars ($25,000), shall have been paid in full.

Liability of stockholders.

Transfer of stock.

When to begin business.

Sec. 5. That said corporation shall have and is hereby given power and authority to guarantee the payment of principal or interest of existing bonds, bills of exchange, acceptances, checks or other securities or evidences of debt, including the obligations

Powers of guarantee company.

of such corporations as may have secured their payments by deed of trust or otherwise, and to receive such compensation as may be agreed upon by the parties.

Principal office.

Sec. 6. The principal office of said corporation shall be in the city of Greensboro, county of Guilford, State of North Carolina, but the directors may establish branch offices at such other places as may be deemed advisable by said board of directors.

Branch offices.

Power to act as insurance agent.

Sec. 7. Said corporation shall have and is hereby given power to act as agent or broker in a business of marine, fire, life, accident, fidelity, casualty, employers' liability and every other form of insurance in all of its branches.

Enumeration of rights and powers.

Sec. 8. The said corporation may receive and pay out lawful currency of the country, deal in exchange, gold and silver coin, uncurrent paper and public and other securities; may loan money and receive deposits of money or other property or evidence of debt, from corporations, minors, *femes covert* or other persons, on such terms and time and manner of collection and payment as may be agreed upon; and for the use and loan of money may charge so high a rate of interest as is or may be allowed by the laws of the State of North Carolina, and may take and receive said interest at the time of making said loan; may invest in stocks, bonds or other securities of the United States, of this or any other State in the Union, or of any corporation under the laws thereof, and take such real or personal property as security for all loans and upon such terms as may be agreed upon. The said company may loan money on mortgage or deed of trust, conveying real or personal property or other security; may buy and sell real estate, stocks, bonds and other securities; may discount bills of exchange, foreign and domestic, promissory notes and other negotiable papers. In case any borrower from said corporation fails to meet his obligations it may exact and collect such amount of percentage as may have been agreed upon, not exceeding the legal rate of interest, reasonable cost, charges and expenses, and in case of sale of either real or personal security make title to the purchaser.

Power to purchase and hold property.

Sec. 9. The said corporation may purchase and hold all such real and personal property as may be necessary for its own business purpose and such as may be conveyed to it to secure or satisfy any debt due to it, or for any mortgage made to said corporation or sold under the execution or order of any court to satisfy any debt due it, and may sell and convey or exchange the same at pleasure, and use or re-invest the proceeds thereof as may be deemed best.

Further enumeration of rights and powers.

Sec. 10. That the said corporation shall have full power to buy, lease, own or hold and improve real estate and personal property of all kinds, and to sell, lease, convey and dispose of the same in such lots and upon such terms as the board of directors may

determine; to make and pledge its property, both real and personal; may act as factors, brokers or agents in borrowing or lending money, buying and selling stocks and securities, and in doing other acts not inconsistent with the law, and investing such money as may be entrusted to its care or management for investment in bonds, stocks or other securities and property; may subscribe to stock in other corporations and accept subscriptions for stock in this company either in real estate or personal property, or in bonds or stocks of other incorporated companies; it may insure or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities or evidences of indebtedness to any person, partnership or corporation; and may guarantee the title to any and all real estate, situate within or without the State. It may guarantee or become surety upon all kinds of fiduciary or other bonds or undertakings not prohibited by law, including those of guardians, executors, administrators, collectors, receivers, trustees of any sort, suitors in any court, public officers of the United States or of any State, county or municipality, and all employees or agents of any person, company or corporation, under such regulations as may be determined by the board of directors, and may charge and receive for such service such sums as may be agreed upon: *Provided*, said company shall comply with the laws of the State relative to surety companies.

Deposits of minors and married women.

Sec. 11. That when any deposit shall be made by any person being a minor or *feme covert*, the said corporation may, at its discretion, pay to said minor or *feme covert* such sums as may be due to him or her, and the receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law and equity to fully discharge the said corporation from any or all liabilities on account thereof. And if money be deposited in said corporation by a minor or *feme covert*, either as investment or otherwise, such money may be withdrawn by said minor or *feme covert* without the consent of the parent or guardian of said minor or the husband of the *feme covert*, and his or her receipt therefor shall be as binding upon such minor or *feme covert* as though he or she were of full age or unmarried.

Deposits of court and trust funds.

Sec. 12. And every court in which moneys may be paid, lodged or deposited by agreement of parties or by order, judgment or decree of said court may order or direct the same to be deposited with the said company, and when such deposit shall have been made the same, like all other moneys deposited with the said company by individuals or corporations, shall be at all times subject to withdrawal by the person entitled and duly authorized to withdraw the same; and any executor or administrator, guardian, collector, receiver or other trustee or public officer of the State, or any county or city or town, having the control of any

bonds, moneys, stocks, securities or other valuables belonging to others shall be and is hereby authorized to deposit the same for safe-keeping with said company.

Deposits for safe-keeping.

Sec. 13. That said company may receive upon storage, deposit or otherwise merchandise, money, specie, plate, stock, promissory certificates and evidences of debt, contracts and all other personal properties whatsoever; take charge and custody of real and personal estates and securities, advance money thereupon on such terms as may be established by said company; and in all cases in which public officers or municipal or private corporations are authorized to deposit moneys, stocks or bonds or evidences of debt.

Sales of property under lien.

Sec. 14. That it shall be lawful for the said company to sell at public auction all property or securities of whatsoever kind mentioned or specified in any contract or agreement between the company and the other party or parties, after the maturity of an obligation under said contract or agreement, upon giving ten days' notice by advertising of the time and place of sale in some newspaper published in the same county where said company is carrying on its business, and to reimburse itself out of the proceeds of such sale for the money due it, with interest, storage, cost and charges, and to indemnify itself for any loss it may have sustained for the non-fulfillment of such contract, or by reason of any misrepresentation, fraud or concealment.

Power of purchase.

Sec. 15. That when the corporation shall have cause to sell any of the property of any of the debtors of the company, on which it has a lien or claim to secure the debt, or when such property shall be sold for its benefit, the company may bid for and purchase any and all such property, and its title thereto, when so acquired, shall be valid and binding in all respects: *Provided*, that nothing in this act contained shall operate or be so construed as to delay or impair the mortgagor's equity of redemption.

Power to act in fiduciary capacities.

Sec. 16. That the said corporation be and is hereby authorized and empowered to accept and exercise any trust of any and every description which may, with its consent, be committed or transferred to it by any person or persons, co-partnership, corporation, county or municipality, or by any court of the State of North Carolina or the United States or any one of the States of the United States, and to accept the appointment and office of executor, administrator or trustee or assignee of any kind or nature, whenever such office or appointment is made or conferred by any person or persons, co-partnership, corporation, county or municipality, or by any court of competent jurisdiction of this State or any one of the United States, and in all such cases when the application shall be made to any court for the appointment of any receiver, trustee, administrator, assignee, guardian of any minor or committee

of a lunatic, it shall and may be lawful for such court to appoint said corporation, with its assent, such receiver, trustee, administrator, assignee, guardian or committee; and where any person shall appoint the said company the executor of his or her will, or any court shall appoint the said company a receiver, trustee, administrator, assignee, guardian or committee, or shall order the deposit of any money with said company, the capital stock as paid in shall be taken and considered as a security required by law for the faithful performance of the said duties of such executor, administrator, trustee, assignee, guardian or committee, and shall be absolutely liable for any default; and in addition thereto the court may require the said company to give such other and additional security as it may judge to be expedient, and the court may, if it deem necessary, examine officers of the company under oath or affirmation as to the sufficiency of the capital stock or as to such security. The accounts of said company as such receiver, trustee, executor, administrator, assignee, guardian, or committee shall be regularly adjusted and considered before such court or officers as shall have jurisdiction thereof, which said court or officers shall, upon such jurisdiction and settlment being made, allow to the said corporation all proper and legal and customary cost, charges, expenses and commissions for its care and management of the trusts and the estates aforesaid. The said company with respect to the same shall be subject to all lawful orders and decrees made by the proper tribunal under the laws of this State.

Security.

Accounts as fiduciary.

Sec. 17. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1907.

CHAPTER 206.

AN ACT TO AMEND CHAPTER 432, PRIVATE LAWS OF 1901, AND CHAPTER 16, PRIVATE LAWS OF 1903, AND TO AUTHORIZE THE CITY OF CHARLOTTE TO LEVY A SPECIAL TAX FOR THE SUPPORT OF THE CARNEGIE PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of providing an adequate appropriation for the support of the "Charlotte Carnegie Public Library" for white people, in the city of Charlotte, the board of aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and

Special tax for support of library.

subjects of taxation on which said board now are or may be hereafter authorized to lay and levy taxes for any purpose whatever, said particular tax not to be more than three cents on the one hundred dollars assessed valuation on property, and not more than nine cents on each poll within said city. The taxes provided for in this act shall be collected in the manner and at the time other city taxes are collected, and shall be accounted for and kept separate from other taxes, and shall be applied by said board of aldermen to the purpose for which they are levied and collected.

Rate.

Tax to be voted on.

Sec. 2. That before any taxes herein provided for shall be laid and levied the question of levying the same shall first be submitted to the qualified voters of said city, after thirty days' notice in some newspaper published in said city, at an election to be held under the same rules and regulations as are prescribed by law for election of mayor and board of aldermen for said city.

New registration.

Sec. 3. That, unless said question shall be submitted at an election for municipal officers of said city, said board shall order a registration of the qualified voters of said city for the purpose of such election; and at the election so held under the provisions of this act those favoring the levying of such tax shall vote a written or printed ballot, without device, with the words "For Library Tax" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot, without device, with the words "Against Library Tax" upon it.

Form of ballots.

Declaration of result.

Sec. 4. That if a majority of the qualified voters shall vote at said election in favor of levying said tax, it shall be the duty of the board of aldermen of said city to so declare, by an order duly adopted at their next regular meeting, and thereafter to appropriate annually and order the city treasurer to pay over the net proceeds of said tax, when collected, for the purpose aforesaid, in lieu of the fixed appropriation of twenty-five hundred dollars now authorized by law for said purpose, which in that event shall become of no effect.

Appropriation, if tax approved.

Lecture hall.

Sec. 5. That the trustees of said "Charlotte Carnegie Public Library" be and they are hereby authorized to accept a donation from the founder of said library for the erection of a lecture hall in connection therewith and to maintain and operate the same as an adjunct to said public library.

Museum abolished.

Sec. 6. That section twenty-two of chapter sixteen, Private Laws of one thousand nine hundred and three, be and the same is hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1907.

CHAPTER 207.

AN ACT TO AMEND AND RE-ENACT CHAPTER 109 OF THE PUBLIC LAWS OF 1905, AND TO ESTABLISH PINNACLE GRADED SCHOOL DISTRICT, IN STOKES COUNTY.

Preamble. Whereas, at the session of the General Assembly of one thousand nine hundred and five an act was passed (chapter one hundred and nine of the Public Laws of one thousand nine hundred and five) establishing Pinnacle Graded School District, in Stokes County, and directing that an election be held in said district under the provisions of said act; and whereas, it appears that an election was thereafter held in said district, and at the same a majority of the qualified voters therein voted "For the Graded School"; and whereas, it further appears that through inadvertence said election was irregularly called and held; and whereas, a large number of the resident citizens of said district have petitioned the General Assembly to amend and re-enact said chapter one hundred and nine of the Public Laws of one thousand nine hundred and five: now, therefore,

The General Assembly of North Carolina do enact:

Boundary set out. Section 1. That all the territory lying and included within the following boundaries, to-wit: The boundary to include a part of Stokes County, beginning at the Surry County line at Mount Zion Church and the corner of the legislative district known as the Phillips District, and running with the line of said district in a northeast direction to the Little Yadkin River; thence with the meanderings of said river to J. W. Fleming's line; thence with the outside lines of J. W. Fleming, J. W. King, G. W. Bowman, W. H. Boyles, S. J. Cook, T. O. Mickey, V. G. Watson and S. P. Jones to the Surry County line; thence south with the Surry County line to the beginning; the lines and outside lines of the parties above mentioned shall be known as the boundary line, shall be and is hereby constituted a public graded school district to be known as the "Pinnacle Graded School District."

Pinnacle graded school district established.

Laws extended to district. Sec. 2. That for the purposes and benefits of this act the provisions of law governing the assessment of real and personal property, and the levying and collection of taxes on the same, shall be and the same are hereby extended to said graded school district, as in the levy and collection of State and county taxes of the county of Stokes; and all elections shall be held and conducted within said territory for graded school purposes and benefits in the same manner as in the election of county officers of the county of Stokes, as nearly as may be.

Tax recommended by trustees. Sec. 3. That for the purpose of establishing and defraying the expenses of the public graded school provided for in this act the board of trustees hereinafter named shall annually recommend

County commissioners of Stokes to levy tax.

to the Board of Commissioners of Stokes County the amount of tax to be levied upon persons, polls and property in said district; and at the time of levying the county and State taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and seven, the Board of Commissioners of Stokes County shall levy and lay a special tax on all persons, polls and property subjects of taxation within the limits of said graded school district, to conform to the recommendations of the said board of trustees, on which the board of commissioners of said county may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular tax to be not more than thirty-three and a third cents on the one hundred dollars assessed valuation on property and not more than one dollar on each taxable poll; which said taxes so levied and assessed shall be collected by the sheriff or tax collector of the county of Stokes at the same time and manner said sheriff or tax collector shall collect the taxes for State and county, and he shall pay the said taxes so collected for the graded school purposes over to the treasurer of the board of trustees hereinafter to be named by said board of trustees.

Limit of tax.

Trustees appointed.

Sec. 4. That E. W. Culler, V. G. Watson, Julius Mickey, S. P. Jones and W. A. Sullivan shall be and are hereby constituted and appointed a board of trustees for such graded school in said graded school district; the first two named to serve for a term of two years from the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified; the second two named to serve for a term of four years from the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified; the last named to serve for a term of six years from the first Monday in May, one thousand nine hundred and seven, and until his successor is elected and qualified. In event of a vacancy in said board of trustees occurring before the expiration of the term of office of any member or members of said board, said vacancy shall be filled for the remainder of the term of office by the other members of said board of trustees.

Terms of office.

Vacancies.

Trustees incorporated.

Corporate name.

Corporate powers.

Sec. 5. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Trustees of Pinnacle Graded School," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange or sell the same, and exercise such other rights and privileges as are incident to other corporations.

Powers of trustees.

Sec. 6. That said board of graded school trustees shall have exclusive control of all public schools in said territory; shall prescribe rules and regulations not inconsistent with this act for

their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of said schools: *Provided*, that no person shall be employed as a teacher in said schools who does not hold a teacher's certificate in date from the County Superintendent of Stokes County, or some adjoining county; said board shall cause to be taken from time to time, in accordance with the general school laws of the State, an accurate census of the school population of said district; and shall exercise such other powers as may be necessary for the control and operation of said graded schools, and shall make, or cause to be made, to the State Superintendent of Public Instruction and to the County Superintendent of Stokes County all reports required by the public school law.

Proviso: teachers to be certified.

School census.

Reports.

Sec. 7. That all public school funds apportioned from the State and from the county school fund of Stokes for the use and benefit of the public schools in said graded school district shall be paid over to the treasurer of the said board of trustees by the treasurer of the said county, for the use and benefit of the graded public schools in said graded school district; and the property, both real and personal, of the various public school districts embraced entirely within the limits of said graded school district shall become the property of said graded school district, and the title thereto shall vest in said board of trustees in trust therefor; and the said board of trustees may, in their discretion, sell the same or any part thereof, and apply the proceeds to the use of the public graded school to be in said school district: *Provided*, that the Board of Education in Stokes County shall be authorized to deduct annually from the apportionment to said school district a sum sufficient to pay the annual installment and interest due the State Board of Education on the loan for the new school house erected in one thousand nine hundred and six by said board in this school district.

Apportionments from general school fund.

Title to property vested in trustees.

Proviso: interest on loan from State board of education.

Sec. 8. That said board of trustees shall elect a treasurer, whose duty it shall be to collect and hold all moneys and funds of said graded school district, and to pay out the same in such manner as he may be directed by order of said board of trustees. Said treasurer shall execute his bond in a sufficient amount, to be fixed and approved by the board of trustees of said graded school district, and the compensation of said treasurer for his services shall be fixed by the board of trustees of said graded school district, and the same paid out of the funds and money of said district. The treasurer of said board of trustees shall report annually to the board of trustees an account of his dealings with funds of said graded school district.

Trustees to elect treasurer.

Duty of treasurer.

Bond of treasurer.

Pay of treasurer.

Sec. 9. That biennially, after the first Monday in May, one thousand nine hundred and seven, an election shall be ordered and

Election of trustees.

held on the first Monday in May in said graded school district, as is prescribed for the election in section ten of this act, for the purpose of electing members of the board of trustees for said graded school to fill the vacancies occurring by expiration of the term of office of such members of said board of trustees; those receiving the highest number of qualified votes cast in such election to be declared elected.

Commissioners of Stokes county to order election.

Date of election.

Tax to be voted on.

Rate.

Registrar and poll-holders.

Law governing election.

Ballots.

Canvass of votes and declaration of result.

Returns.

Proviso: subsequent elections.

Sec. 10. That the Board of Commissioners of Stokes County are hereby authorized and required to call an election on the first Monday in May, one thousand nine hundred and seven, after thirty days' written public notice, at not less than three public places in said graded school district, to submit to the qualified voters of said graded school district the question of levying for the support of said graded schools an annual tax on all taxable property and polls within such district, not to exceed thirty-three and a third cents on the hundred dollars assessed valuation of property, and one dollar on each taxable poll; that the said board of commissioners shall order a new registration in said district and shall appoint three qualified electors in said district to hold said election, one of whom shall be designated as registrar and two of whom shall be designated poll-holders, and that said election shall in all other respects be held and conducted under the provisions of the laws governing the holding of elections for county officers; that at such election those favoring the levying of such tax shall deposit a ballot containing the written or printed words "For the Graded School," and those opposing the levying of such tax shall deposit a ballot containing the written or printed words "Against the Graded School." The result of said election shall be canvassed and declared by said registrar and judges of election, and the returns made within ten days to the board of county commissioners and filed in the office of the Register of Deeds of Stokes County: *Provided, however*, that if at said election on the first Monday in May, one thousand nine hundred and seven, a majority of the qualified voters shall vote "Against the Graded School," then, upon request of a majority of the board of trustees named in this act, the Board of Commissioners of Stokes County shall order another election to be held in the said district at such time as said board of trustees shall name, under the same provisions for holding and conducting that election as those prescribed in this section and act.

Appropriation of tax heretofore levied.

Sec. 11. That after the payment of the salary of Miss Nora McCollum, the teacher employed by the committee of the special tax district established by the county board of education, under section four thousand one hundred and fifteen of the public school law, in the same territory included in section one of this act, for the term covered by her contract, not to exceed four months, any and all funds now in the hands of the Treasurer of the Board of

Education of Stokes County, or that may hereafter come into his hands, belonging to the said district as a local tax district, arising from the collection of special taxes assessed and levied under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, shall be turned over by said treasurer to the treasurer of the board of graded school trustees for said district, for the use and benefit of said graded school district, and paid out by said treasurer as other school funds belonging to said graded school district, under the direction of its board of trustees. That this act shall not in any way affect the collection of any taxes heretofore levied in said territory as a local tax district, under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five. The Board of Commissioners of Stokes County will make no further levy of special taxes in the territory embraced in this act under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, but only such levies as the board of trustees for said graded school district shall recommend as is hereinbefore set forth.

Act to take effect only if tax voted.

Sec. 12. That in case a majority of the qualified voters of said graded school district shall vote in favor of the tax set forth in section ten of this act, then all the provisions of this act shall be in full force and effect, and the Board of Commissioners of Stokes County shall annually levy and have collected the tax as hereinbefore provided. In case a majority of the qualified voters of said graded school district shall not vote in favor of such tax, then, in that event, none of the provisions of this act shall be in force.

Sec. 13. That this act shall be in full force and effect from and after its ratification, and all laws and parts of laws in conflict herewith are hereby repealed.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1907.

CHAPTER 208.

AN ACT TO INCORPORATE THE TOWN OF BRIDGETON, IN CRAVEN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the inhabitants residing within the boundaries set out in section two hereof be and the same are incorporated a town, and the corporate name of the town shall be Bridgeton.

Corporate name.

Boundaries.

Sec. 2. The boundaries of said town shall be as follows: Situated in Craven County, North Carolina, on the north side of Neuse River, opposite the city of New Bern; beginning at Neuse

River, at the mouth of the canal that drains the Fowler Ferry road, and running up and with said canal and up with the Fowler Ferry road six hundred and sixty-five yards; then north thirty-seven and three-fourths degrees west, crossing the right-of-way of the Pamlico, Oriental and Western Railroad Company, a distance of one hundred yards from said right-of-way on the same course; thence southwestward and parallel with said right-of-way to the channel of said river; thence down and with the same to a point opposite the beginning; thence eastward to the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, four commissioners and a constable.

Duties and powers of constable.

Sec. 4. Said constable shall be the police officer and tax collector for said town; and as policeman he shall have the right and authority to pursue to a distance of five miles outside of said town and arrest any person who is charged with violating the laws governing said town or any of its ordinances, or who shall commit any crime within the limits of said town.

Special policemen.

Sec. 5. The constable shall be the only policeman or police officer of said town, but in case of riot or threatened disorder the commissioners may appoint such other policemen as may be necessary, but their appointment and authority shall be temporary.

First election.

Sec. 6. That the first election under this charter shall be held on Tuesday after the first Monday in May, one thousand nine hundred and seven, the same to be held by registrars and pollholders appointed by the Sheriff of Craven County, who shall appoint or establish one polling place within said corporate limits, give notice of said election thirty days prior to the date thereof, receive the returns and certify the result; the said election to be conducted in all other respects under chapter seventy-three of the Revisal and the general law. All subsequent elections shall be held under chapter seventy-three of the Revisal of one thousand nine hundred and five.

Subsequent elections.

Town under general law.

Sec. 7. That except as above provided the said town shall be governed by and have all powers and authority conferred and provided by the general laws of North Carolina for the government of cities and towns, and as set forth in chapter seventy-three of the Revisal of one thousand nine hundred and five.

Sanitary ordinances.

Sec. 8. For the purpose of securing the health, quiet and safety of the inhabitants of the town its mayor and board of commissioners shall have authority to pass the necessary ordinances and enforce the same within the town and one mile beyond its limits: *Provided*, that no intoxicating liquors of any kind shall be manufactured or sold in said town.

Proviso: manufacture and sale of liquors forbidden.

Sec. 9. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1907.

CHAPTER 209.

AN ACT TO REVISE, AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROCKY MOUNT, TO BE HEREAFTER KNOWN AS THE CITY OF ROCKY MOUNT.

Whereas, owing to the growth of the town of Rocky Mount, its charter, now contained in numerous acts of the General Assembly, enacted from time to time, is no longer suited to its needs; and whereas, the governing authorities of said municipal corporation and its citizens are desirous that its powers shall be enlarged and its boundaries extended, and that it shall hereafter be known as the "City of Rocky Mount": therefore, Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants residing within the city boundaries hereinafter located and defined shall be and remain a body politic and corporate under the name and style of the "City of Rocky Mount," and under such name and style may adopt a corporate seal, and contract and be contracted with, sue and be sued, plead and be impleaded; acquire by purchase, devise, bequest or otherwise such real and personal property, within or without said city, as may be deemed requisite and necessary for the proper government of said city, or for the welfare, improvement and convenience of its inhabitants; hold, use, improve, govern, protect and control, and, in pursuance of resolution of its board of aldermen, sell or otherwise dispose of the same and reinvest the proceeds arising therefrom, and have all other powers, rights and privileges requisite and necessary or usually belonging or pertaining to municipal corporations. And said city shall succeed to and is hereby invested with all the property and rights of property and all other rights, franchises, privileges, powers and authorities belonging to the municipal corporation now known as the "Town of Rocky Mount," under any other corporate name or names heretofore used or known; and said city shall likewise succeed to every duty, debt or obligation owing by said town of Rocky Mount to any person or persons or corporation, and the lawful performance of the same is hereby imposed upon said city. Incorporation. Corporate name. Corporate powers.

BOUNDARIES.

Sec. 2. That the corporate limits and boundaries of said city of Rocky Mount shall be located and defined as follows: Beginning at a point on the southern side of Tar River at the Atlantic Coast Line Railroad bridge; thence eastwardly with said river to a point where a line down the center of Atlantic Avenue, as shown in the plot of the lands of "J. H. Logan, Trustee," if extended, would intersect the southern line of said river; thence south- Boundaries.

wardly with the center of Atlantic Avenue and said extension thereof to the center of Virginia Street; thence eastwardly with the center of Virginia Street to a point where it intersects the eastern line of the said Logan lands; thence southwardly with said line and the eastern line of Woodlawn Avenue and an extension thereof to a point where such line intersects the eastern line of the Tarboro road; thence southwardly to the center of the Cokey road where it crosses the Tarboro Branch Railroad; thence southwardly at right angles to said railroad one thousand feet; thence westwardly to a corner in the Ernest Daughtridge line, just south of the eastern end of Daughtridge Street; thence westwardly with the Ernest Daughtridge line to the western line of Williams Street; thence southwardly with the western line of Williams Street to a point opposite the most southerly point of the old Daughtridge grave-yard; thence westwardly with a line passing through the center of a large pine standing just west of the main line of the Atlantic Coast Line Railroad, near the old Daughtridge crossing, to a point where the western line of Hilliard Street, if extended, would intersect said line; thence northwardly with said extension of the western line of Hilliard Street to the northern line of the Hospital road; thence northwardly to the New South Development Company's southwestern corner; thence northwardly with the New South Development Company's western line to the center of the Raleigh road; thence westwardly with the center of the Raleigh road to G. A. Sessom's southeastern corner; thence northwardly with G. A. Sessom's line to her northeastern corner; thence northwardly to the most westerly point of the W. L. Groom lands; thence northwardly with the western line of the Groom lands and an extension thereof to the center of Sunset Avenue; thence eastwardly with the center of Sunset Avenue to the center of Pine Street; thence northwardly with the center of Pine Street to the center of the Rocky Mount Mills Railroad; thence northwardly with the center of the Rocky Mount Mills Railroad to the boundary line of the town of Rocky Mount Mills; and thence eastwardly with the boundary line of the town of Rocky Mount Mills and Tar River to the beginning.

WARD DIVISIONS.

City divided into wards.

Sec. 3. That said city shall be divided into six wards, respectively designated and bounded as follows:

First ward.

First Ward. All that part of the territory of said city included within a boundary beginning in the center of the main line of the Atlantic Coast Line Railroad, where the center line of Sunset Avenue intersects the same; thence northwardly with the center of said railroad line to the center of the Fair Grounds Branch; thence westwardly with the center of said branch to the center of the Rocky Mount Mills Railroad; thence westwardly with the center of said railroad to the city boundary; thence southwardly

with the city boundary to the center of Sunset Avenue, and thence eastwardly with the center of Sunset Avenue to the beginning.

Second Ward. All that part of the territory of said city lying east of the center of the main line of the Atlantic Coast Line Railroad and north and east of the center of Tarboro Street and Cokey road. Second ward.

Third Ward. All that part of the territory of said city included within a boundary beginning in the center of the main line of the Atlantic Coast Line Railroad where the center line of Tarboro Street intersects the same; thence southwardly with the center of said railroad line to a point where an extension of the center line of Dunn Avenue would intersect the same; thence eastwardly with said center line of Dunn Avenue to the center of Pender Street; thence northwardly with the center of Pender Street to the center of Redgate Avenue; thence eastwardly with the center of Redgate Avenue to the center of Cokey road, and thence northwardly and westwardly with the center of Cokey road and Tarboro Street to the beginning. Third ward.

Fourth Ward. All that part of the territory of said city included within a boundary beginning in the center of the main line of the Atlantic Coast Line Railroad where the center line of Sunset Avenue intersects the same; thence southwardly with the center of said railroad line to a point where a line down the center of Davenport Street, if extended, would intersect the same; thence westwardly with the center of Davenport Street, including said extension thereof, to the city boundary; thence northwardly and westwardly with the city boundary to the center of Sunset Avenue, and thence eastwardly with the center of Sunset Avenue to the beginning. Fourth ward.

Fifth Ward. All that part of the territory of said city lying west of the center of the main line of the Atlantic Coast Line Railroad and north of the northern boundary line of the First Ward. Fifth ward.

Sixth Ward. All that part of the territory of said city lying south of the southern boundary line of the Third and Fourth Wards. Sixth ward.

CORPORATE POWERS VESTED IN MAYOR AND BOARD OF ALDERMEN.

Sec. 4. That all corporate powers and authority granted to said city shall be vested in and exercised by a mayor and board of aldermen. Said board of aldermen shall consist of ten members, two from the First Ward, two from the Second Ward, two from the Third Ward, two from the Fourth Ward, one from the Fifth Ward and one from the Sixth Ward. No person shall be eligible for the office of mayor who is not at the time of his election a *bona fide* resident and duly qualified voter of said city; and no person shall be eligible for the office of alderman who is not at the time of his election a *bona fide* resident and duly qualified voter of the ward from which he shall be elected. Corporate powers vested in mayor and aldermen. Board of aldermen. Eligibility for mayor. Eligibility for alderman.

Mayor named. Aldermen named.

Sec. 5. That W. L. Thorp shall be mayor of said city, and J. C. Braswell and Thomas H. Battle, of the First Ward; R. P. Lindsey and George S. Edwards, of the Second Ward; F. M. Draughn and James E. Humphries, of the Third Ward; F. W. Tremain and H. E. Brewer, of the Fourth Ward; R. R. Gay, of the Fifth Ward, and Thomas C. Gorham, of the Sixth Ward, shall constitute the board of aldermen of said city until their successors shall be duly elected and qualified; and the successors of the said W. L. Thorp, J. C. Braswell, R. P. Lindsey, F. M. Draughn and F. W. Tremain shall be chosen at the election to be held on the first Monday in May, one thousand nine hundred and seven; and the successors of the said Thomas H. Battle, George S. Edwards, James E. Humphries, H. E. Brewer, R. R. Gay and Thomas C. Gorham shall be chosen at the election to be held on the first Monday in May, one thousand nine hundred and eight.

Election of successors.

ELECTIONS.

City elections.

Sec. 6. That an election shall be held in the several wards or voting precincts of said city on the first Monday in May, one thousand nine hundred and seven, and on the first Monday in May annually thereafter. At such election to be held on the first Monday in May, one thousand nine hundred and seven, there shall be elected by the qualified voters of said city a mayor, and by the qualified voters of their respective wards one alderman from each of the several wards of said city, except the Fifth and Sixth; and said mayor and aldermen shall hold their said offices for a term of two years from the date of their election, and until their successors shall be duly elected and qualified; and at the election to be held on the first Monday in May, one thousand nine hundred and eight, there shall be elected by the qualified voters of their respective wards one alderman from each of the several wards of said city, who shall likewise hold their said offices for a term of two years from the date of their election, and until their successors shall be duly elected and qualified.

Officers elected in 1907.

Term.

Aldermen elected in 1908.

Voting precincts.

Sec. 7. That each of the said wards, located and defined in section three of this act, for the purposes of all municipal elections herein or otherwise provided to be held, shall constitute a separate voting precinct; but the board of aldermen shall have power to subdivide any one or all of said wards into two or more voting precincts whenever in the judgment of said board public convenience shall require that such action be taken.

Power of subdivision.

Elections under supervision of aldermen.

Sec. 8. That the annual elections for officers of said city herein provided for, and all other municipal elections whatsoever hereafter held in said city, shall be under the supervision and control of the board of aldermen, and shall be held under and in accordance with the provisions of chapter seventy-three, subchapter seven, of the Revisal of one thousand nine hundred and five, in so far as the same shall not be inconsistent with this act.

Law governing elections.

MEETINGS OF BOARD OF ALDERMEN.

Regular meetings of aldermen.

Special meetings.

Meeting for qualification and organization.

Sec. 9. That the board of aldermen shall meet regularly on the first and third Thursdays of each month; and said board shall fix the hour of meeting on such days, and may by resolution change the time of such regular meetings, and may provide for such other meetings as may be deemed necessary. Special meetings of the board of aldermen may be called by the mayor when deemed necessary, and shall be called upon the written request of four or more aldermen, of which special meetings all aldermen shall be notified in writing or otherwise. On the Thursday next succeeding each annual election of aldermen the incoming board of aldermen shall, at the hour of eight o'clock P. M., convene at the municipal building for the purpose of the qualification of all aldermen-elect as hereinafter provided, and shall thereupon organize and proceed with the election of city officers and such other business as may come before said board; and said board may adjourn from day to day until said business shall be disposed of.

ELECTION AND QUALIFICATION OF CITY OFFICERS.

Elections by aldermen.

Mayor pro tem and treasurer.

Term.

Other officers.

Offices of clerk and tax collector may be consolidated.

Creation of offices.

Sec. 10. That, at the meeting of said board of aldermen to be held on the Thursday next succeeding each annual election of aldermen, said board shall proceed to elect from among its members a mayor *pro tempore* and a city treasurer, who shall each hold his said office for the term of one year from the date of his said election, and until his successor shall be duly elected and qualified; and said board shall, at said meeting, likewise proceed to elect a city clerk, a city tax collector, a chief of police, a chief of the fire department, a superintendent of public works, a superintendent of health and such policemen as said board may deem necessary for the maintenance of the public peace and the quiet and good order of said city and community, all of whom shall possess such qualifications and hold office for such term or terms as the board of aldermen shall prescribe. The board of aldermen is hereby authorized and empowered to combine the offices of city clerk and city tax collector whenever and for so long a time as it shall be deemed advisable; and said board of aldermen is likewise authorized and empowered to create such other offices as may be deemed necessary for the better government of said city; to define the powers and limit the length of the terms of the holders thereof; to prescribe their duties and qualifications, and to fill said offices from time to time and to abolish the same when deemed no longer necessary.

Present officers continued.

Sec. 11. That, pending the election and qualification of the officers of said city named in the preceding section of this act, as therein provided, all officers of said town of Rocky Mount heretofore elected by its board of commissioners shall continue to dis-

charge the duties of their said offices, in the name of and under the government of said city, subject, however, to removal at the will of the board of aldermen of said city.

Officers to be sworn.

Sec. 12. That every person elected or appointed to any office of trust or profit under the government of said city, before entering upon the discharge of the duties of his office, shall take and subscribe, before some person authorized to administer oaths, the

Form of oath.

following oath of office: I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully perform the duties of the office of ....., on which I am now about to enter, according to the best of my skill and ability; so help me, God. Subscribed

Oaths filed.

and sworn to before me, this ..... day of ....., 19... And all oaths of office subscribed and sworn to as aforesaid, other than that of the city clerk, shall be filed with said city clerk, and the oath of office of the city clerk shall be filed with the city treasurer.

DUTIES OF CITY OFFICIALS.

Duties of mayor.

Sec. 13. That the mayor shall be the chief executive officer of said city, and he shall preside, when present, at all meetings of the board of aldermen, and shall have a casting vote in case of equal division therein. It shall be his duty to see that all laws, ordinances, rules and regulations of said city are properly enforced, and that all its officers, agents and employees faithfully discharge their respective duties. He shall be charged with the general oversight and superintendence of every department of the city government, and he shall from time to time, when deemed

Reports and recommendations.

advisable, make written reports to the board of aldermen touching any matter herein or hereafter committed to his charge or oversight, and suggesting such action as may be deemed necessary for the correction of abuses and the better government of said city. In pursuance of resolution of the board of aldermen, he shall, in the name of said city, execute in its behalf all deeds and contracts. He shall have power to appoint special policemen when deemed necessary, and to administer oaths in all cases whenever required; and he shall exercise such other powers, not inconsistent with this act, as are usually incident to the office of mayor.

Duties of mayor pro tem.

Sec. 14. That the mayor *pro tempore* shall enter upon and discharge the duties of the office of mayor whenever the mayor shall be absent from the city, or from any other cause unable to discharge the duties of his said office; and said mayor *pro tempore* shall, for the time, be clothed with every power conferred by law upon the mayor.

Duties of treasurer.

Sec. 15. That it shall be the duty of the city treasurer to receive all moneys belonging to said city, and all other moneys by

law directed to be paid to him; to keep them separate and apart from his own funds, and to apply them and account therefor as required by law; to keep a true account of the receipts and disbursements of all such moneys in books provided for that purpose by said city; to pay out such moneys only upon proper warrant, as directed by the board of aldermen or other lawful authority; to call upon the city tax collector and other officers having city moneys or other public funds payable to him in hand at least once in every month, or oftener, if necessary, for the purpose of collecting the same; to exhibit his books, accounts and public moneys to the board of aldermen or a committee named by said board, whenever called upon to do so; to render to the board of aldermen at the end of each fiscal year a full, perfect and itemized statement of all receipts and disbursements, and to post a copy of the same at such public place and for such time as said board shall direct; and to surrender to his successor in office, when duly elected and qualified, all books and other records of his said office, and pay over to him all public moneys remaining in his hands.

Annual statements.

Statements to be posted.

Sec. 16. That it shall be the duty of the city clerk to be present at all meetings of the board of aldermen and to keep, and record in a book to be provided for that purpose by said city, regular and fair minutes of all proceedings of said board; to preserve all books, records, documents, papers and other articles committed to his use, care or custody during his term of office, and to surrender them to his successor in office when duly elected and qualified; to be the custodian of the common seal of said city; to attest the execution of all deeds, contracts and obligations by the mayor in behalf of said city, and to affix its common seal to all deeds and such contracts and obligations as it shall be deemed necessary to so attest; and to perform such other duties as may be prescribed by this act or by the board of aldermen.

Duties of city clerk.

Sec. 17. That it shall be the duty of the city tax collector to collect all taxes of whatsoever nature levied or imposed for city purposes, or levied by the board of aldermen for public school purposes; to collect all moneys due on account of city light and water service, and all moneys owing to said city on any other account whatsoever, except cost accruing in the recorder's court; to pay over to the city treasurer from time to time as collected all taxes and other moneys collected as aforesaid; to keep a full, true and itemized account of all moneys collected and paid over to the city treasurer as aforesaid, and such other records and accounts as the board of aldermen may require, in books provided for that purpose by said city; to render to the board of aldermen upon request a full, perfect and itemized statement of all moneys collected and paid over as aforesaid, and of all unpaid taxes and other moneys due on account of city light and water

Duties of tax collector.

Statements rendered on request of aldermen.

service; and to perform all other duties prescribed by law or by the board of aldermen. And for the collection of said taxes said city tax collector is hereby clothed with every power, privilege and immunity, not inconsistent with this act, now possessed by or which may hereafter be conferred upon sheriffs and tax collectors in the collection of State and county taxes.

Powers of tax collector.

Chief of police: supervision and control of police force.

Duties of chief of police.

Sec. 18. That the chief of police shall have supervision and control of the police force of said city, and he shall report to the mayor and board of aldermen the failure of any member thereof to properly discharge the duties of his office; it shall be his duty to attend the sessions of the recorder's court and cause to be brought before said court for trial all persons arrested by him and other policemen of said city charged with offenses committed within the territorial jurisdiction of said court, and to file with said court information as to such other offenses as are alleged or reported to have been committed within said territorial limits, and perform such other services in connection with said court as shall by the recorder be deemed necessary; and he shall possess such other powers, privileges and immunities, not inconsistent with this act, as are usually incident to the office of chief of police of cities and towns, and shall perform such other duties as are prescribed by law or as may from time to time be imposed upon him by the board of aldermen of said city.

Powers, privileges and immunities.

Policeman designated to perform duties of chief.

Sec. 19. That, in case the chief of police shall for any cause be unable to discharge the duties of his said office, such other member of said police force as shall have been theretofore designated by the board of aldermen, or in default thereof by the mayor, shall, during the continuance of such disability, discharge the duties of said office.

Powers of chief of police and policemen.

Sec. 20. That the chief of police and other policemen of said city shall have power to execute anywhere within the limits of Nash and Edgecombe counties any writ, precept or process, either civil or criminal, which shall be directed to them generally or to any one of them in his own proper name, or in the name of his office, by any court of record or not of record, organized and existing under the laws of this State; they shall have power and it shall be their duty to suppress all breaches of the public peace and all disturbances of the quiet and good order of said city, and they may, with or without warrant, arrest anywhere within the corporate limits of said city or within one-half mile thereof any person charged with the violation of any ordinance of said city or with any other offense whatsoever against the public peace or the quiet and good order of the community; they shall have power, with or without warrant, to break and enter any building or enclosure for the purpose of preventing a felony or of apprehending any person whom they shall have reason to believe to have

Arrest with or without warrant.

Entry with or without warrant.

committed a felony; they shall have power and it shall be their duty to re-arrest upon the original warrant in the case any defendant or party who shall have escaped from lawful custody or who, having been released by order of the recorder, upon promise to pay any fine and costs or costs only, shall fail to pay the same as promised; they shall possess such other powers in making arrests and in conserving the public peace as are usually possessed by sheriffs and constables; and they shall perform such other duties as may from time to time be prescribed by the board of aldermen. Re-arrests on original warrant.

Sec. 21. That the chief of the fire department shall have supervision and control of the fire department of said city, under such rules and regulations for the government thereof as may from time to time be adopted by the board of aldermen. Chief of fire department.

Sec. 22. That the superintendent of public works shall be charged with the custody, supervision and control of said city's electric light, water supply and sewerage systems, under such rules and regulations for the government of his said department as may from time to time be adopted by the board of aldermen; and said superintendent of public works shall possess such other powers, not inconsistent with this act, as may be conferred upon him by the board of aldermen, and he shall perform such other duties as may be prescribed by said board. Superintendent of public works.

Sec. 23. That the superintendent of health shall be charged with the care and supervision of the public health within the corporate limits of said city; and, in addition to the powers conferred upon him by the laws of the State relating to public health, such superintendent of health shall possess such other powers, not inconsistent with this act, as may be conferred upon him by the board of aldermen, and shall perform such other duties as may be prescribed by said board. Superintendent of health.

RECORDER'S COURT.

Sec. 24. That a special court for the trial of misdemeanors is hereby established, and said court shall be known as the "Recorder's Court of Rocky Mount." Special court established. Title.

Sec. 25. That said recorder's court shall be a court of record, and shall be presided over by a recorder, who shall be a *bona fide* resident and a duly qualified voter of said city, and shall be elected by the board of aldermen of said city at the meeting to be held on the Thursday next succeeding the election for mayor and aldermen, to be held on the first Monday in May, one thousand nine hundred and seven, and biennially thereafter; and such recorder shall hold his said office for a term of two years from the date of his said election and until his successor shall be duly elected and qualified. Pending such election and so long thereafter as the board of aldermen shall fail to fill said office by the election of a recorder, the mayor of said city shall be *ex officio* Court of record. Qualifications and election of recorder. Term of office. Mayor recorder ex officio.

recorder, and as such shall exercise every power conferred upon and perform every duty imposed upon such recorder by this act.

Vice-recorder.

Sec. 26. That whenever the board of aldermen of said city shall, in accordance with the provisions of the preceding section, elect a recorder said board shall likewise proceed to elect a vice-recorder, who shall possess the same qualifications and hold office for the same term as the recorder; and said vice-recorder shall enter upon and discharge the duties of the office of recorder whenever the recorder, on account of sickness, absence from the city or other good and sufficient cause, shall be unable to do so, and he shall for the time be clothed with every power conferred by law upon the recorder: *Provided*, that so long as the mayor of said city shall be *ex officio* recorder the mayor *pro tempore* shall be *ex officio* vice-recorder, and as such shall be clothed with every power conferred by law upon such vice-recorder.

Proviso: mayor pro tem. ex officio vice-recorder.

Sessions of court.

Sec. 27. That the recorder's court shall hold daily sessions in the court-room of the municipal building in said city, and shall possess every power in the regulation and ordering thereof usually possessed by other courts of record in like cases.

Jurisdiction.

Sec. 28. That said recorder's court is hereby vested with and shall exercise jurisdiction as follows:

For violations of ordinances.

(1) Exclusive original jurisdiction over all misdemeanors committed within the corporate limits of said city or within one-half mile thereof growing out of the violation of the ordinances, rules and regulations of said city adopted by the board of aldermen in pursuance of the powers herein conferred.

Exclusive jurisdiction for offenses of grade lower than felony committed within city.

(2) Exclusive original jurisdiction over all other criminal offenses below the grade of felony as at present defined, and not within the jurisdiction of courts of justices of the peace, committed within the corporate limits of said city.

Concurrent jurisdiction of offenses below felony committed in territory defined.

(3) Concurrent original jurisdiction with the Superior Court and the courts of justices of the peace over all other criminal offenses below the grade of felony as at present defined, committed within the corporate limits of said city or without the corporate limits of said city and within the following boundaries: Beginning at a point in the center of the main line of the Atlantic Coast Line Railroad five miles north of the center of the Thomas Street crossing, in the city of Rocky Mount; thence north sixty-eight degrees west five miles; thence south twenty-two degrees west ten miles; thence south sixty-eight degrees east ten miles; thence north twenty-two degrees east ten miles, and thence north sixty-eight degrees west five miles to the beginning; said territory being conterminous with that of the proposed Rocky Mount Road District.

Concurrent jurisdiction as committing magistrate.

(4) Concurrent jurisdiction with the courts of justices of the peace as committing magistrates, over all felonies committed within the corporate limits of said city, or without the corporate limits of said city and within the boundaries above described.

Sec. 29. That all prosecutions in the recorder's court shall be brought in the name of the State and upon the warrant of the recorder. Prosecutions in name of State.

Sec. 30. That the recorder shall try and determine all actions coming before him, jurisdiction of which is conferred upon said recorder's court by law; and whenever any defendant shall be sentenced to undergo a term of imprisonment or adjudged to pay any fine or costs, or whenever any person at whose instance any prosecution shall have been begun shall be adjudged to pay the costs thereof, such defendant or prosecutor shall have a right of appeal to the Superior Court of that county (either Nash or Edgecombe) to which an appeal from the judgment of a justice of the peace would have lain in like case prior to the establishment of said recorder's court. Recorder to try and determine actions. Right of appeal.

Sec. 31. That the recorder's court shall have a seal bearing the inscription "Recorder's Court of Rocky Mount, State of North Carolina," together with such other device as may be prescribed by the board of aldermen of said city; and said seal shall be affixed to all writs, process and precepts of said court required by law to be attested by seal. Seal of court.

Sec. 32. That the recorder may, in his name, issue the writs, process and precepts of the recorder's court to the chief of police or any other policeman of the city of Rocky Mount, or to the chief of police or any other lawful officer of any other city or town in this State, or to the sheriff or any constable or other lawful officer of any county in this State; and any such writ, process or precept, without seal, shall run anywhere in the counties of Nash and Edgecombe, and when attested by seal, anywhere in the State of North Carolina, and shall be executed by any officer above named to whom it may be directed. Process from recorder's court. Process without seal. Process under seal.

Sec. 33. That all judgments, orders and decrees of the recorder's court shall be of the same force and validity as like judgments, orders and decrees of other courts of the State exercising like jurisdiction. Said recorder's court, in all proceedings for contempt and as for contempt in matters affecting said court, shall possess every power conferred by law upon other courts of record in like proceedings; and said court is hereby clothed with every other power usually possessed by other courts of record of this State which may be necessary for the fullest and freest exercise of the specific powers herein conferred. Force and validity of judgments, orders and decrees. Contempt proceedings.

Sec. 34. That the recorder in sentencing any male person convicted in said recorder's court of any offense punishable by law with imprisonment in the common jail may, in his discretion, sentence such person to imprisonment in the city prison, to be worked upon the public streets or other public works of the city of Rocky Mount, or upon the public road of the Rocky Mount Road District; or to be imprisoned in the common jail of Convicts sentenced to labor.

Nash County or of Edgecombe County, to be worked upon the public roads of said road district or upon the public roads of any county in the State which shall have made provision for working its public roads with convict labor.

Recorder's fee.

Sec. 35. That in every case within the original jurisidction of the recorder's court which shall be tried or disposed of by said court a special recorder's fee of three dollars may be taxed in the bill of costs as other costs are taxed; and such fees, when collected, shall constitute a fund from which the cost of maintaining such court shall be defrayed, and as collected shall be paid over to the city treasurer for such purpose. And such other costs shall be allowed in the recorder's court as are in like proceedings allowed in the courts of justices of the peace: *Provided*, that whenever the chief of police or other policeman of the city of Rocky Mount shall be required to serve any writ, process or precept of the recorder's court outside the corporate limits of said city such officer may, in the discretion of said court, be allowed mileage therefor in addition to the usual fee allowed by law for such service, the same to be taxed in the bill of costs.

Other costs.

Proviso: mileage allowance to police.

Records of court.

Sec. 36. That the recorder shall keep or cause to be kept, in books furnished for that purpose by said city, a true and perfect record of all proceedings of the recorder's court, and of all fines imposed and all costs taxed therein; he shall regularly file or cause to be filed the papers in every case docketed in said court; he shall from time to time submit such reports and furnish such statements as to matters appertaining to his said office as the board of aldermen may call for; and he shall surrender to his successor in office, when duly elected and qualified, the common seal of said court and all the records thereof.

Statements to aldermen.

Collection of fines.

Sec. 37. That the recorder shall require the chief of police, the city clerk, or such other policeman of said city as may be designated for the performance of such duty by order of court, to collect and account for all fines imposed and all costs taxed in the recorder's court; and such officer shall discharge the aforesaid duty under the supervision and control of said court.

City clerk to act as clerk of court.

Sec. 38. That the recorder may, with the consent and approval of the board of aldermen, require the city clerk to act as clerk of the recorder's court, and as such he shall discharge such clerical duties in connection with said court as may be assigned to him by the recorder; and the board of aldermen may, whenever deemed necessary, appoint a prosecuting attorney for said court, and such prosecuting attorney shall, while in the discharge of the duties of his said office, be clothed with every power necessary for the proper discharge of the duties thereof: *Provided*, that should the board of aldermen fail to exercise the powers of appointment hereinbefore conferred, the recorder may,

Prosecuting attorney.

Proviso: recorder to appoint special prosecuting attorney.

in special cases, appoint a prosecuting attorney whenever in his judgment the orderly administration of public justice will be promoted thereby.

POWERS OF THE BOARD OF ALDERMEN.

General powers of aldermen.

Sec. 39. That the board of aldermen shall have the general custody or supervision and control of all the property of said city of every description whatsoever, and may make and adopt such orders, rules and regulations respecting the same as may be deemed necessary or proper. Said board is hereby authorized and empowered to prescribe, adopt and enact all such ordinances, rules and regulations as may be necessary or proper for the government of said city and for the maintenance of the public peace, quiet and good order within said city, and for a distance of one-half mile around and beyond the corporate limits thereof; and it may, whenever deemed necessary or proper, repeal or modify the same. And said board shall have power to provide for the enforcement of such ordinances, rules and regulations by the imposition of penalties of not more than two hundred dollars in each instance for the violation thereof.

Special powers.

Sec. 40. That the board of aldermen, in addition to the other powers herein conferred, shall possess the following powers:

To pass upon eligibility and election of aldermen.

(1) To pass upon the eligibility and right of any person claiming to have been elected alderman to hold office as a member of such board.

To prefer charges against officers.

(2) To prefer charges against the mayor, recorder, vice-recorder or any alderman, either as such or as mayor *pro tempore* or treasurer, when accused of corruption or other malfeasance, misfeasance or nonfeasance in office, and after a fair and impartial trial before said board, by a two-thirds vote of all the members of said board, to remove from office the person so accused.

Removal of officer by two-thirds vote.

To declare offices vacant.

(3) To declare vacant, by a two-thirds vote of all the members of said board, any office aforesaid when the holder thereof shall be laboring under any permanent total disability.

To remove officers.

(4) To remove from office at will, by a majority vote of all the members of said board, any other officer of said city.

To fill vacancies.

(5) To fill for the unexpired term, by a majority vote of said board, any vacancy in any city office occurring otherwise than by expiration of term.

To fix compensation of officers.

(6) To fix the compensation of all officers and employees of said city, and by resolution to provide that the stated salary of any officer of said city shall be paid in lieu of all costs accruing to him in any action instituted or tried in the recorder's court, or in any criminal action instituted or tried in any other court sitting within the limits of the territorial jurisdiction of said recorder's court; and to require such officer to pay over all such costs to the city treasurer.

To require bonds from officers.

(7) To require the city treasurer and the city tax collector, and, in the discretion of the board, the city clerk, the chief of police, the superintendent of public works and such other officers of said city as shall have the care or custody of public property, to enter into bond payable to the State, conditioned for the faithful discharge of the duties of his said office, in such sum and with such sufficient surety as said board shall deem proper; and said board may from time to time require any such bond to be strengthened or renewed. No officer required to enter into bond as aforesaid shall be permitted to enter upon the discharge of the duties of his office until such bond shall have been passed upon and approved by said board.

To preserve the peace.

(8) To preserve the public peace, quiet and good order, and to prevent and quell riots and all other disturbances, disorderly assemblages and disorderly conduct.

To prevent vice and immorality and suppress gaming and bawdy houses.

(9) To prevent vice and immorality; to suppress gaming and bawdy houses, and to impose a penalty upon the owner of any building, or his agent, who shall knowingly rent or lease the same, or any part thereof, for use as a bawdy or gaming house, or who shall knowingly permit the same to be used as such.

To regulate sale, use and storage of explosive and inflammable substances.

To prohibit firing of fire-arms and fire-works.

(10) To regulate and control the sale, use and storage of gunpowder, dynamite, gasoline, naphtha and all other dangerous explosive or combustible substances within the corporate limits of said city or within one-half mile thereof; and to prohibit the discharge of fire-arms or the firing or setting off of fire-works or other explosives within said corporate limits.

To prohibit slaughter houses or dangerous, offensive or unhealthy trades.

To abate nuisances.

(11) To prohibit the establishment and maintenance within the corporate limits of said city or within one-half mile thereof of any slaughter house or slaughter pen or other place productive of noisome and offensive odors, or the exercise within said limits of any dangerous, offensive or unhealthy trade, business or employment; and said board may abate such nuisances at the expense of the person or persons causing the same or at the expense of the owner or the tenant in charge of the lands upon which any such nuisance shall be maintained.

To prohibit keeping of swine.

(12) To prohibit the keeping of swine within the corporate limits of said city.

To establish pounds and prohibit running at large of animals.

(13) To establish and maintain one or more city pounds; to prohibit the running at large of all horses, mules, cattle, swine, goats, chickens, geese, turkeys and other barnyard fowls and quadrupeds or brutes; to prohibit, or, in the discretion of said board, to regulate the running at large of dogs, and to adopt all necessary rules and regulations as to the impounding and sale or other disposition of the quadrupeds and fowls enumerated above.

To establish and maintain cemeteries.

(14) To establish and maintain within or without the corporate limits of said city one or more cemeteries; to appoint a keeper or keepers thereof, and to prescribe all necessary rules

and regulations for the care, supervision and control of such cemetery or cemeteries. And said board may prohibit interments within the corporate limits of said city. To prohibit interments.

(15) To provide for the maintenance and repair of all public streets, sidewalks and alleys of said city, and to regulate and establish the width and grade of such public streets, sidewalks and alleys, and to change the same when deemed advisable; to establish new streets, public alleys and parks when deemed a public necessity, and to discontinue and close the same when deemed no longer a public necessity; to provide for the planting, care and protection of shade trees in the streets and parks of said city; to provide for paving the streets and sidewalks of said city; to prohibit the obstruction of the streets, sidewalks, public alleys and parks of said city, and to generally regulate and control the use of the same. To provide for maintenance, repair and regulation of streets and sidewalks. Shade trees.

(16) To prohibit the riding or driving of horses and other animals, automobiles and motor-cars within the corporate limits of said city or within one-half mile thereof at a speed greater than six miles an hour or in a reckless or dangerous manner; to regulate the speed of trains, engines and cars on all railroads and street railways within the corporate limits of said city; and to regulate or, in the discretion of said board, to prohibit the use of bicycles, go-carts and other like vehicles upon the sidewalks of said city. To regulate speed within city.

(17) To regulate the blowing of whistles and the ringing of bells within the corporate limits of said city, and to prohibit the making of other needlessly distnrbing noises within said corporate limits. To regulate blowing of whistles or ringing of bells within city.

(18) To establish and maintain one or more public markets in said city for the sale of fresh meats, fish and oysters, chickens and other poultry, garden vegetables, grain, meal and all other country produce used for food, and to confine the sale thereof to such market or markets to such extent as may be deemed advisable; to prohibit the sale of tainted and unwholesome meats, fish and other food-stuffs; to erect and maintain public scales, and to prescribe the manner of sale of coal, wood and other fuel; and to appoint a weighmaster and one or more keepers of said market or markets, and to prescribe the duties and fix the fees of such officers. And said board shall have power to adopt such ordinances, rules and regulations as may be necessary to prevent forestalling, regrating and engrossing. To establish, maintain and regulate markets. To prohibit sale of tainted and unwholesome articles. Weighmasters and keepers of markets.

(19) To prohibit, restrain and regulate all sports, theatrical exhibitions, circus exhibitions and other public performances and exhibitions for profit within the corporate limits of said city. To prohibit, restrain and regulate sports and exhibitions.

(20) To regulate, supervise and control the manufacture and sale of spirituous, vinous and malt liquors, including cider and medicated bitters, within the corporate limits of said city or To regulate, supervise and control manufacture and sale of liquors.

within one-half mile thereof, and to prescribe the hours for opening and closing all bar-rooms and other places where such liquors are sold or dispensed, and all pool rooms, billiard rooms and other like places of resort for amusement or entertainment; and said board may, for the violation of any ordinance, rule or regulation of said city, or any law of the State, revoke any license granted by said city authorizing the manufacture or sale of liquors or the carrying on of any business hereinbefore specified.

Pool and billiard rooms.

May revoke license.

To maintain hospitals and pest-houses.

(21) To establish and maintain hospitals and pest-houses within or without the corporate limits of said city; and said board, in addition to the powers conferred upon boards of aldermen by the laws of the State relating to the public health, shall possess such other powers needed for the protection of the public health of said city as are conferred by law upon county sanitary committees for the protection of the public health of their respective counties. And said board may create and appoint a board of health for said city; and said board of health shall, subject to such limitations as may at the time of its creation be prescribed, exercise the foregoing powers, under the supervision and control of said board of aldermen.

Sanitary powers.

Board of health.

Fire department and fire companies.

(22) To provide for the maintenance of a city fire department and the organization and equipment of fire companies; and to prescribe rules and regulations for the government thereof, under the supervision and control of the chief of the fire department.

Powers in arresting conflagrations.

And said chief of the fire department, or in his absence the acting chief of said department, in order to arrest the progress of any conflagration at the time raging within the corporate limits of said city may, with the consent and approval of the mayor of said city and three or more aldermen, cause to be demolished any building or buildings the destruction of which shall be deemed necessary to arrest the progress of such conflagration; and neither said officers nor said city shall be answerable in damages for such action.

Fire districts.

(23) To establish a fire district or fire districts in said city, within the limits of which no building or other structure of any material other than brick, stone, metal or concrete shall be erected, and from time to time to change the boundaries thereof; and said board may prescribe rules and regulations governing the location and erection of all buildings and other structures hereafter to be erected within the corporate limits of said city.

Building rules.

Municipal buildings.

(24) To erect or purchase such buildings as may be deemed necessary for municipal purposes, and to alter and repair the same; or, in lieu thereof, to lease such building or buildings as may be deemed necessary therefor.

Electric light and water supply.

(25) To provide for the use of said city and its citizens and property owners an adequate electric light and water supply system and service, and to that end said board may establish,

operate and maintain all necessary light and water plants and systems, and in addition to supplying light, power and water for municipal purposes and use, may sell the same to its citizens and property owners and others, and said board shall prescribe rules and regulations for the government of said municipal light and water plants and systems, under the supervision and control of the superintendent of public works.

Sewerage system.

(26) To provide and maintain an adequate system of sewerage for said city; and to prescribe all necessary rules and regulations for the care and use of the same, under the supervision and control of the superintendent of public works.

Sanitary inspector.

(27) To appoint a city sanitary inspector, to prescribe his duties and to confer upon him such powers as may be necessary for the proper discharge of such duties; and to regulate the location and provide for the care of all surface privies.

Surface privies.

To prohibit public drunkenness.

(28) To prohibit public drunkenness within the corporate limits of said city, or within one-half mile thereof.

To prohibit vagrancy and street begging.

(29) To prohibit vagrancy and street begging within the corporate limits of said city, or within one-half mile thereof.

To determine routes and grades of railroads and street railways.

(30) To determine and designate the routes and grades of all railroads and street railways already laid or hereafter to be laid within the corporate limits of said city.

To grant franchises.

(31) To grant franchises affecting the use of the public streets, alleys and parks of said city, subject to all such restrictions and limitations as the public welfare shall demand.

To prescribe charges for carriage of persons, freight and baggage.

(32) To prescribe and regulate charges within said city for the carriage of persons, baggage and freight by cabs, hacks, carriages, drays, wagons and other vehicles and street railways.

To grant licenses.

(33) To grant licenses authorizing the practice or carrying on of such trades, callings, businesses and professions as said board shall by law be authorized and empowered to levy or impose a license tax upon, and to prescribe rules and regulations governing the granting and issuing of the same. And no board of county commissioners shall grant any license for the manufacture or sale of spirituous, vinous or malt liquors within the corporate limits of said city, or without the corporate limits of said city and within one-half mile thereof, until there shall have been filed with the clerk of such board of county commissioners by the applicant for such license written authority from the board of aldermen of said city in being at the time, duly certified by the city clerk, authorizing the granting of such license; and any license granted in violation of the foregoing provisions shall be utterly void.

County commissioners not to grant liquor license without authority from city.

To provide for revisal and codification of ordinances and charter.

(34) To authorize and require from time to time, as the same may be necessary or proper, the revisal and codification of the ordinances, rules and regulations of said city, together with its charter, and such codification of the ordinances, rules and regu-

Code of the city of Rocky Mount prima facie evidence.

lations of said city shall be known as the "Code of the City of Rocky Mount," and any copy thereof printed in pursuance of a resolution of the board of aldermen of said city shall be receivable in all courts as *prima facie* evidence of the provisions of the ordinances, rules and regulations of said city.

REVENUE AND TAXATION—PROPERTY AND POLL TAXES.

Taxing powers.

Sec. 41. That, in order to raise funds to defray the necessary expenses incident to the government of said city, and to enable it to meet its legitimate obligations, the board of aldermen may annually levy and collect the following taxes:

Property tax.

(1) On all real and personal property within the corporate limits of said city, including money and solvent credits, and on all subjects of taxation upon which an *ad valorem* tax is or may be imposed by the General Assembly, a tax not exceeding one dollar on every one hundred dollars of valuation.

Poll tax.

(2) A capitation tax of not more than three dollars on every taxable poll of male persons residing within the corporate limits of said city on the first day of June of each year.

Street tax in lieu of work.

(3) On every able-bodied male person, between eighteen and forty-five years of age, residing within the corporate limits of said city, a street tax of not more than three dollars, to be paid in lieu of working the public streets of said city: *Provided*, that the poll tax hereinbefore provided for shall not be collected from such persons as shall pay said street tax.

Proviso: payment of street tax to relieve from poll tax.

Special tax.

(4) For the payment of the principal and interest of the bonds of the town of Rocky Mount, amounting to forty thousand dollars, issued in pursuance of the provisions of chapter three hundred of the Private Laws of one thousand eight hundred and ninety-nine, a special tax of not more than twenty cents on every one hundred dollars of valuation on all real and personal property taxable under subsection one, and a capitation tax of not more than sixty cents on every poll taxable under subsection two.

Special tax.

(5) For the payment of the principal and interest of the bonds of the town of Rocky Mount, amounting to forty thousand dollars, issued in pursuance of the provisions of chapter five of the Private Laws of one thousand nine hundred and one, a special tax of not more than twenty cents on every one hundred dollars of valuation on all real and personal property taxable under subsection one, and a capitation tax of not more than sixty cents on each poll taxable under subsection two.

Special tax for schools and school bonds.

(6) For the purpose of providing for the maintenance of the public graded schools of Rocky Mount and the payment of the principal and interest of the bonds of the Rocky Mount Graded School District, amounting to fifteen thousand dollars, issued in pursuance of the provisions of chapter fifty-three of the Public Laws of one thousand nine hundred and one, a special tax of not more than thirty-five cents on every one hundred dollars of

valuation on all real and personal property taxable under subsection one, and a capitation tax of not more than one dollar and five cents on each poll taxable under subsection two.

Appointment of list-taker.

Sec. 42. That the board of aldermen shall annually, at its first meeting in April of each year, appoint some discreet and competent person, who shall be a resident and taxpayer of said city, to list for taxation for the purposes aforesaid all real and personal property taxable under subsection one of the preceding section, and all polls taxable under subsection two of said section; and in the discharge of the duties of said office such list-taker shall be clothed with every power, not inconsistent with this act, conferred by law upon township list-takers in the listing of the property and polls of their respective townships for State and county taxation, and shall proceed in like manner, unless otherwise herein provided.

Powers of list-taker.

Appointment of assessors.

Sec. 43. That the board of aldermen shall annually, at the time of the appointment of the list-taker, appoint three discreet and competent freeholders and residents of said city to assess for taxation for the purposes aforesaid all lands and other property listed in pursuance of the provisions of the preceding section. The assessors appointed as aforesaid shall meet not later than the first Monday in May next succeeding their appointment and organize the Board of Tax Assessors of the City of Rocky Mount by the election of a chairman from among their number, and the city list-taker shall be *ex officio* secretary of said board. In the discharge of the duties imposed by this act said board shall be clothed with every power, not inconsistent with this act, conferred by law upon township boards of list-takers and assessors in assessing the property of their respective townships for State and county taxation, and shall proceed in like manner, unless herein otherwise provided.

Assessors to meet and organize.

Chairman.

Secretary.

Powers of assessors.

Board of equalization.

Officers ex officio.

Annual meeting of board.

Notice of meeting.

Powers of board.

Sec. 44. That the board of aldermen and the chairman of the board of tax assessors shall constitute the Board of Equalization of the City of Rocky Mount, and the mayor shall be *ex officio* chairman and the city clerk shall be *ex officio* clerk of such board of equalization. Said board shall meet annually for the purpose of equalizing the valuations of property listed and assessed for valuation as aforesaid, not later than the third Thursday in July of each year, of which meeting due notice shall be given by publication in some newspaper published in said city; and in the discharge of the duties imposed by this act said board shall be clothed with every power, not inconsistent with this act, conferred by law upon county boards of equalization in equalizing the valuations of property in their respective counties listed and assessed for State and county taxation, and shall proceed in like manner, unless herein otherwise provided.

Powers of officers in levy and collection of taxes.

Sec. 45. That, in all matters pertaining to the levy and collection of the municipal and public graded school taxes by this act authorized or directed to be levied and collected, the several officers of said city shall be clothed with every power, not inconsistent with this act, conferred by the laws of this State relating to revenue and taxation upon the corresponding county officers in the levy and collection of State and county taxes of like character, and shall proceed in like manner, unless herein otherwise provided; and all liens under said laws existing and enforceable in favor of State and county taxes of every character whatsoever shall in like cases exist and be enforceable in favor of the municipal and public graded school taxes by this act authorized or directed to be levied and collected.

Liens for taxes.

REVENUE AND TAXATION—LICENSE TAXES.

License or privilege taxes.

Sec. 46. That, in order to raise other funds to be used in defraying the necessary expenses incident to the government of said city and to enable it to meet its legitimate obligations, the board of aldermen may, in addition to the taxes hereinbefore authorized or directed to be levied and collected, levy and collect from every individual, firm or corporation exercising a specified right or enjoying a specified privilege within the corporate limits of said city, and without said corporate limits when so stated, the following license or privilege taxes:

Liquor license.

(1) Upon every person, firm or corporation, other than distillers, rectifiers, brewers and bottlers of malt liquors, disposing of their product by wholesale, who shall engage in the business of selling spirituous, vinous or malt liquors or medicated bitters, an annual license tax of not less than one thousand dollars and not more than two thousand dollars, payable semi-annually, on the first days of January and July of each year.

Social clubs.

(2) Upon every organization or association organized or chartered as a social club, and every other incorporated or unincorporated association or organization which shall establish or maintain any club house, club room or other place for the resort of its members or guests, at which spirituous, vinous or malt liquors or medicated bitters shall be sold, an annual license tax of not less than one thousand dollars and not more than two thousand dollars, payable semi-annaully, on the first days of January and July of each year.

Distilleries.

(3) Upon every person, firm or corporation who shall engage in the business of operating a grain distillery, and in disposing of the product thereof by wholesale, an annual license tax of not more than one thousand dollars, payable semi-annually, on the first days of January and July of each year.

Rectifiers.

(4) Upon every person, firm or corporation who shall engage in the bnsiness of rectifying spirituous liquors, whether in con-

nection with any grain distillery or not, and in disposing of such rectified liquors by wholesale, an annual license tax of not more than one thousand dollars, payable semi-annually, on the first days of January and July of each year.

Breweries.

(5) Upon every person, firm or corporation who shall engage in the business of operating a brewery for the manufacture of malt liquors and in disposing of the product thereof by wholesale, an annual license tax of not more than one thousand dollars.

Bottling establishments.

(6) Upon every person, firm or corporation who shall engage in the business of bottling, selling or distributing beer, ale, porter, coca-cola, pepsi-cola, soda-water, or other malt liquors or carbonated beverages in bottles or other sealed packages by the wholesale, an annual license tax of not more than two hundred dollars.

Billiard tables, pool tables, etc.

(7) Upon every billiard table, pool table, bagatelle table, merry-go-round, switch-back railway, shooting gallery, slot machine or other like contrivance, game, play or device, which shall be set up and managed, run or operated for profit, either directly or indirectly, an annual license tax of not more than two hundred dollars.

Pleasure parks.

(8) Upon every pleasure park established and conducted for profit as a place of public resort or amusement, an annual license tax of not more than two hundred dollars: *Provided*, that such license tax may, in the discretion of said board, be imposed in lieu of all other license taxes which said board may impose under the power conferred in the preceding subsection.

Proviso: In lieu of all other license taxes.

Theaters or opera houses.

(9) Upon every room or hall used as a theater or opera house, where public exhibitions or performances are given for profit, an annual license tax of not more than one hundred dollars.

Traveling theatrical troupes or companies.

(10) Upon every traveling theatrical troupe or company giving exhibitions or performances for profit in any room, hall, tent or other place not licensed under the preceding subsection, a license tax of not more than twenty-five dollars on each exhibition or performance given within the corporate limits of said city or within one-half mile thereof.

Circus and menagerie.

(11) Upon every circus, show or menagerie or other traveling company or organization giving exhibitions or performances under canvas, or within any enclosure whatsoever for profit, and not taxed under the preceding subsection, a license tax of not more than two hundred and fifty dollars for every day on which any exhibition shall be given within the corporate limits of said city or within one-half mile thereof.

Express, telegraph and telephone companies.

(12) Upon every express, telegraph or telephone company, an annual license tax of not more than two hundred dollars.

Bucket-shops and dealers in futures.

(13) Upon every bucket-shop and every person, firm or corporation engaged in the business of making or negotiating wagering contracts, commonly known as "futures," an annual license tax of two thousand dollars.

Dealers in second-hand clothing. (14) Upon every person, firm or corporation dealing in second-hand clothing, an annual license tax of not more than five hundred dollars.

Gift enterprises. (15) Upon every itinerant gift enterprise, and every itinerant dealer in photographs, jewelry or other articles with which prizes shall be offered, an annual license tax of not more than two hundred and fifty dollars.

Itinerant merchants or salesmen. (16) Upon every itinerant merchant or salesman who shall expose for sale on the public streets or alleys, or in any building, enclosure or other place rented or occupied temporarily for such purpose, any goods, wares, jewelry, merchandise, medicines or other articles of value, an annual license tax of not more than two hundred dollars.

Peddlers. (17) Upon every peddler of goods, wares, jewelry, merchandise or other article of value, an annual license tax of not more than one hundred dollars.

Pawnbrokers. (18) Upon every pawnbroker, an annual license tax of not more than two hundred dollars.

Livery, feed and exchange stables. (19) Upon every person, firm or corporation conducting a livery, feed, sale or exchange stable or stock-yard, an annual license tax of not more than one hundred dollars.

Undertaking establishments. (20) Upon every person, firm or corporation conducting an undertaking establishment, an annual license tax of not more than fifty dollars.

Plumbing establishments. (21) Upon every person, firm or corporation conducting a plumbing business or establishment, an annual license tax of not more than fifty dollars.

Hotels, club houses, restaurants and boarding houses. (22) Upon every hotel, club house, restaurant or boarding house, an annual license tax of not more than fifty dollars.

Photograph galleries. (23) Upon every photograph gallery or studio, an annual license tax of not more than fifty dollars.

Laundry. (24) Upon every laundry, an annual license tax of not more than fifty dollars.

Junk shops. (25) Upon every junk shop dealing in brass or copper, an annual license tax of not more than two hundred dollars.

Tobacco warehouses. (26) Upon every person, firm or corporation engaged in the business of conducting a warehouse for the sale of leaf tobacco, an annual license tax of not more than fifty dollars.

Ice dealers. (27) Upon every person, firm or corporation engaged in the sale of ice by retail, an annual license tax of not more than fifty dollars.

Coal dealers. (28) Upon every person, firm or corporation engaged in the sale of coal, an annual license tax of not more than fifty dollars.

Merchandise brokers. (29) Upon every person, firm or corporation engaged in the merchandise brokerage business, an annual license tax of not more than fifty dollars.

(30) Upon every omnibus, hack, cab, carriage, dray, baggage wagon or other vehicle used to transport persons, baggage, goods, wares, merchandise or other articles, for hire, an annual license tax of not more than twenty-five dollars. Vehicles for hire.

(31) Upon every barber shop, an annual license tax of not more than five dollars on each chair. Barber shops.

(32) Upon every person who shall engage in hawking eatables about the public streets and alleys, an annual license tax of not more than ten dollars. Hucksters.

(33) Upon every itinerant optician or oculist, an annual license tax of not more than fifty dollars. Itinerant opticians or oculists.

(34) Upon every dog or bitch, an annual tax of not more than two dollars and fifty cents. Dogs and bitches.

(35) Upon every surface privy, an annual license tax of not more than two dollars and fifty cents. Surface privy.

(36) Upon every trade, calling, business or profession not hereinbefore specified, upon which the General Assembly may levy or impose a license or privilege tax, an annual tax of not more than five hundred dollars. Other trade, calling, business or profession.

Sec. 47. That all taxes levied or imposed by the board of aldermen in pursuance of the preceding section shall be payable in advance by the person, firm or corporation exercising the privilege, trade, calling, business or profession, or owning the property taxed thereunder; and all licenses taken out or granted in pursuance of the provisions of this act shall be issued by the city clerk and countersigned by the mayor, and shall not be transferable. No reduction or abatement in the amount of such license tax paid or to be paid shall in any case be allowed, otherwise than as may be prescribed by the board of aldermen prior to the payment thereof. License tax payable in advance.

Sec. 48. That all annual licenses issued in pursuance of this act shall expire on the thirty-first day of May next succeeding the date of issuance, and all semi-annual licenses shall expire on the thirtieth day of June or the thirty-first day of December next succeeding the date of issuance. Times of expiration of license.

Sec. 49. That no license for the exercise of any right or privilege taxable under subsections one, two, three, four, five, six and thirteen of section forty-six of this act shall be issued until the application therefor shall be first passed upon and approved by the board of aldermen; but every other license for the exercise of any right or privilege taxable under said section shall be issued by the city clerk upon application to him made, unless said board shall otherwise direct. Application for certain licenses submitted to board of aldermen. Other licenses issued by city clerk on application.

Sec. 50. That the board of aldermen is hereby authorized and empowered to classify the several trades, callings, businesses or professions admitting of classification enumerated in any sub- Classification of business.

section of section forty-six of this act, and within the limits therein prescribed may graduate the license taxes imposed thereunder.

CONDEMNATION AND ASSESSMENT.

Power to condemn lands.

Sec. 51. That the board of aldermen shall have the right to acquire for said city by condemnation such lands, within or without the corporate limits of said city, as may be necessary for the following purposes:

For street and like uses.

(1) For the establishment, construction and maintenance of public streets, sidewalks, alleys, crossings, water-ways and parks, and for the widening, extension or other modification or improvement thereof.

For light, water and sewer systems.

(2) For the establishment, construction and maintenance of municipal systems of electric lighting, sewerage and water supply, including power houses and plants, reservoirs, stand-pipes, lines of metal and terra-cotta piping, conduits, mains and other like appurtenances, and for the enlargement, extension or other modification or improvement thereof.

For municipal buildings.

(3) For the erection of all necessary municipal buildings or for any other necessary or proper municipal purpose whatsoever.

Agreement with owner to be sought.

Sec. 52. That the board of aldermen shall not undertake to exercise the right of condemnation conferred in the preceding section without having first sought to secure such lands as may be required for any public use therein set out by private agreement with the owner or owners thereof; but when such effort shall have been made without success, said board may proceed to condemn such lands, by first adopting a resolution declaring that the same are required for the public use therein stated; which resolution shall describe such lands with sufficient particularity for the identification thereof, and shall state the name or names of the owner or owners thereof, if known, and if not known, shall so state.

Resolution for condemnation.

Copy of resolution to owner of land.

Notice to appear and show cause.

Sec. 53. That, upon the adoption of such resolution, the city clerk shall cause the owner or owners of such lands to be served with a copy thereof, together with notice issued by said city clerk, requiring such owner or owners to appear before the board of aldermen at the court-room in the municipal building in said city at a time therein stated, not less than five days after the service thereof, to show cause why such lands should not be condemned and taken for the public use set out in such resolution; which resolution and notice shall be served, as other notices are served, by the chief of police or any other policeman of said city, or by the sheriff or any other lawful officer of any county in this State. If the person upon whom such service is to be made is unknown, or if he resides without the State, or cannot with the exercise of due diligence be found within the State, and such

Service of resolution and notice.

Service by publication.

fact be shown to the satisfaction of the city clerk by affidavit, then such service may be made, under the direction of such city clerk, by publishing such resolution, together with the notice requiring such person to appear before the board of aldermen at the time and place therein named to show cause why such lands should not be condemned and taken for the public use set out in such resolution, which resolution and notice shall be published at least once a week for four consecutive weeks in some newspaper published in said city.

Service on guardians of persons under disability.

Sec. 54. That whenever any infant, idiot, lunatic or person *non compos mentis* shall be the owner of any lands sought to be condemned, or the owner of any interest therein, service of such resolution and notice shall likewise be made upon the general or testamentary guardian of such infant, idiot, lunatic or person *non compos mentis*, if there be such within the State; and if such infant, idiot, lunatic or person *non compos mentis* be without a general or testamentary guardian within this State, the clerk of the Superior Court of the county in which such lands are situate shall, upon the application of the city clerk setting forth such fact, together with such resolution, appoint some discreet and competent person as guardian *ad litem* to defend in behalf of such infant, idiot, lunatic or person *non compos mentis* in such condemnation proceedings; and service of such resolution and notice shall likewise be made upon such guardian *ad litem*.

Guardian ad litem.

Lands condemned if cause not shown.

Sec. 55. That, due service of such resolution and notice having been made upon the owner or owners of the lands sought to be condemned, should such owner or owners fail to appear before the board of aldermen at the time and place named in such notice or, having appeared, should fail to show cause why such lands should not be condemned, said board, having first found that such lands are necessary for the public use set out in such resolution, shall thereupon order that such lands be and that they are thereby condemned to be taken for such public use; and said board shall in such order of condemnation appoint five discreet and competent freeholders, residents of said city, or, if such lands be situate without the corporate limits of said city, residents of the county in which such lands are situate, as commissioners to appraise the damage suffered by the owner or owners of such lands by reason of such condemnation. Said board shall likewise appoint a time and place for the first meeting of such commissioners; and the city clerk shall forthwith notify each freeholder named of his appointment and of the time and place appointed for the first meeting of such commissioners.

Commissioners to appraise damage.

First meeting appointed.

Commissioners notified.

Proceedings of commissioners.

Sec. 56. That such commissioners shall meet at the time and place appointed by the board of aldermen, and having first been duly sworn by the mayor or some other person authorized to administer oaths, shall proceed to view the lands condemned and to hear such evidence bearing upon the value of such lands and

the value of the special benefits and advantages accruing to the owner or owners thereof by reason of such condemnation, after which they shall appraise the value of such lands and the value of such special benefits and advantages, and any excess of the former over the latter shall represent the full amount of damages to be assessed against said city. Each of such items shall be separately stated in the written report of such commissioners, to be filed with the city clerk not later than sixty days after the date of their appointment, and such report must be signed by not less than three of such commissioners. Such proceedings may be adjourned from time to time, and such one of said commissioners as shall be chosen chairman shall have power to subpœna witnesses and to administer oaths thereto.

Itemized report.

Appeal.

Sec. 57. That either said city or the owner or owners of such lands, if dissatisfied with the award of such commissioners as set out in their report, and for no other cause, may appeal to the Superior Court of the county in which such lands are situate, under the rules governing appeals from the courts of justices of the peace. Notice of appeal in such case shall be given by filing written notice thereof with the city clerk not later than ten days after such commissioners shall have filed their report. Said city clerk shall send up to the Superior Court, as the record of such case on appeal, the resolution adopted by the board of aldermen in the first instance, the notice or notices to the owner or owners of such lands, the order of condemnation and appointment of commissioners, the report of such commissioners, the notice of appeal, and, in case that an infant, idiot, lunatic or person *non compos mentis* is the owner of such lands or any interest therein, the application for and order appointing the guardian *ad litem;* and said city clerk shall, over his hand and the corporate seal of said city, certify that such record is correct.

Notice of appeal.

Record on appeal.

Order of condemnation not reviewable.

Sec. 58. That the finding of the board of aldermen that such lands are necessary for a specified public use and the order condemning the same to be taken for such public use shall not be reviewable by any court, but shall conclude all parties. And said city is hereby authorized and empowered to enter upon such lands and to forthwith devote them to such public use, upon the payment or tender of payment to the person or persons entitled to receive the same of any amount awarded against said city by such commissioners in their report filed with the city clerk; and said city may so enter without any formality whatsoever when such commissioners in their report shall make no award of damages against said city: *Provided*, that the filing of a notice of appeal from the award of such commissioners by the owner or owners of such lands, or any one of them, or said city's payment into the office of the city clerk of the amount so awarded against it to the use of the person or persons entitled to receive the same,

City to enter on land.

Proviso: payment or tender not necessary when appeal taken.

shall dispense with the necessity for any other payment or tender of payment.

Record certified to court when lands owned by persons under disability.

Sec. 59. That in any case where an infant, idiot, lunatic or person *non compos mentis* shall have been seized or possessed of any lands condemned as hereinbefore provided, or of any interest therein, and no appeal shall have been taken from the award of the commissioners, it shall be the duty of the city clerk to certify up to the clerk of the Superior Court of the county in which such lands are situate the complete record of such condemnation proceedings, as in cases of appeal; and such clerk of the Superior Court in every such case, and in every such case certified up on appeal, in which a final judgment shall have been rendered, shall record such complete record, including any final judgment rendered in the Superior Court, in the book of special proceedings; and such record shall bar and conclude every such infant, idiot, lunatic or person *non compos mentis*, and all persons claiming under him.

Record.

Bar of record.

Improvements removed on reversion.

Sec. 60. That whenever any lands condemned as hereinbefore provided shall no longer be devoted to a public use, and by reason of non-user shall revert to the original owner or owners or his or their heirs, said city shall have the right to remove therefrom all buildings and other structures and improvements which said city may have erected thereon.

Owners of lot to improve sidewalks and streets.

Sec. 61. That the owner or owners of any lot abutting upon any street of said city shall, if so ordered by the board of aldermen, improve, curb or repair the sidewalk of such street for the distance that it extends along such lot, and shall likewise, if so ordered, macadamize, pave or otherwise improve not more than one-fourth of the street adjoining such sidewalk; and such improvement shall be made in such manner and with such material as said board may specify, and such work shall be done under the supervision and control of the street committee which may be named by said board, or under the supervision and control of such officer as may be charged with the supervision and control of the improvement and repair of the streets of said city.

Copy of order served on lot owner.

Service.

Sec. 62. That the city clerk shall cause a certified copy of any order of the board of aldermen requiring that such improvement be made to be served upon the owner or any one of two or more owners of every lot embraced therein, if residing in either of the counties of Nash or Edgecombe, or, if not residing therein, upon any known agent of such owner or owners residing therein; which certified copy of such order may be served by the chief of police or any other policeman of said city, or by the sheriff or any other lawful officer of either of said counties, and shall be served as other legal notices are served. If with the exercise of due diligence service of such order cannot be made as hereinbefore provided, such service may be made by publishing the

Service by publication.

same for four successive weeks in some newspaper published in said city.

Work done by city on default of owner.

Sec. 63. That should the owner or owners of any lot embraced in such order neglect or refuse to comply with the same for ten days after due service thereof shall have been made in accordance with the provisions of the preceding section, such street committee or such officer as may be charged with the supervision and control of the improvement and repair of the streets of said city shall cause the improvement which the owner or owners of such lot were by such orders required to make to be made without further delay, and the cost thereof shall be borne by the owner or owners of such lot, and shall constitute a lien thereon to the same extent as the municipal taxes assessed against the same constitute a lien thereon.

Cost of work a lien on lot.

Enforcement of payment.

Sec. 64. That should the owner or owners of any such lot neglect or refuse to pay the amount charged against the same as provided in the preceding section, it shall be the duty of the city tax collector to proceed to collect such amount by the advertisement and sale of such lot, as is provided by law in case of nonpayment of taxes assessed against lands for municipal purposes.

MISCELLANEOUS PROVISIONS.

License not to excuse unlawful act.

Sec. 65. That no license issued by said city in pursuance of the provisions of this act shall be held to confer any immunity from punishment upon any person thereunder exercising any business or calling or doing any act forbidden by law.

Ordinances of town to continue in force.

Sec. 66. That all ordinances, rules and regulations heretofore adopted by the Board of Commissioners of the Town of Rocky Mount for the government thereof shall remain in full force and effect as ordinances, rules and regulations of the city of Rocky Mount until amended or repealed by the board of aldermen of said city.

Violation of ordinance a misdemeanor.

Punishment.

Sec. 67. That any person violating any ordinance, rule or regulation of said city shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both fined and imprisoned.

Offenses declared petty misdemeanors.

Sec. 68. That all offenses below the grade of felony as at present defined which shall be committed within the corporate limits of said city, or without the corporate limits thereof and within the boundaries set out in subsection three of section twenty-eight of this act, are hereby declared to be petty misdemeanors.

Policemen to accept bail.

Sec. 69. That the chief of police and other policemen of said city are hereby authorized and empowered to accept bail for the appearance in the recorder's court of any person who shall be taken into custody charged with a bailable offense, when such person cannot conveniently be taken before the recorder for such

purpose; and such police officers shall commit to the city prison for safe-keeping all such persons as shall fail to furnish bail for their appearance in the recorder's court, or who may be drunk or disorderly.

Conflicting laws repealed.

Sec. 70. That all laws and clauses of laws in conflict with this act are hereby repealed, and no statute hereafter enacted shall be held to deprive the board of aldermen of said city of any power conferred by this act, unless such statute shall expressly so provide.

Sec. 71. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1907.

CHAPTER 210.

AN ACT TO INCORPORATE THE TOWN OF EVERGREEN, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Evergreen, in Columbus County, North Carolina, be and the same is hereby incorporated by the name and style of "The Town of Evergreen," and shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate name.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be known and designated and defined as follows: Beginning at a stake on the Fair Bluff road, south of M. G. Williamson's house, A. M. Benton's corner, and runs about east, the old Coleman line, crossing the railroad to the run of Boggy Branch; thence up the run of said branch to opposite Griffin's Cross Roads Church; thence about west a straight line to the church acre; thence around the north side of said acre to the Fair Bluff road; thence up the said road to the edge of Cypress Pond bay; then around the south side of said bay to the Coleman line; thence along said line crossing the railroad to A. M. Benton's line; thence with A. M. Benton's line about west to a stake; thence said line about south to the Silver Spoon public road; thence about crossing said road, running the old Coleman line to the south edge of an old field, then about east along the edge of said old field to A. M. Benton's line; then about south one hundred and fifty yards to a stake; thence about east with A. M. Benton's line to the beginning.

Town officers.

Sec. 3. That the officers of said corporation shall consist of the mayor, three commissioners and a marshal; and the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and nine, or until their successors are elected and qualified: Mayor, J. McInburger; commis-

First officers named.

sioners, R. B. Lennon, D. W. Mance, M. G. Williamson; marshal, W. T. Oberry. It shall be the duty of the officers named in this section to meet within sixty days after the ratification of this act and organize, after being duly sworn by some person authorized to administer oaths in Columbus County.

Town elections.

Sec. 4. That there shall be an election held for the election of the officers named in this act on the first Monday in May, one thousand nine hundred and nine, and biennially thereafter, to be held under the same rules and restrictions that elections for county offices are held, and all citizens who are entitled to vote under the general election law of North Carolina, and who reside within the corporate limits of the town of Evergreen, North Carolina, as set out and defined in section two of this act, shall be entitled to vote at said election.

Officers to qualify.

Secretary and treasurer.

Sec. 5. That it shall be the duty of the officers elected under this act to qualify ten days after their election; the commissioners may appoint a secretary and treasurer if they deem it proper, and they shall have the power to pass such by-laws, rules and regulations as they think necessary for the good government of the said town of Evergreen, not inconsistent with the laws of the State or with the laws of the United States.

Bond of marshal.

Duties.

Pay.

Sec. 6. That the marshal be bound in the sum of two hundred dollars ($200) to faithfully discharge his duties; he shall collect all taxes levied by the commissioners and all fines and penalties imposed by the mayor for violation of town ordinances; make all arrests and enforce all ordinances, and his pay shall be such as the sheriffs and constables of the State receive for such services, and such other compensation as the commissioners may allow.

Duties and jurisdiction of mayor.

Powers.

Fees.

Sec. 7. The mayor shall preside at the meetings of the commissioners, but shall not vote except in case of a tie; he shall have jurisdiction to hear and determine all offenses or violations of ordinances of the town of Evergreen on the sworn complaint of any person, or when such offense comes under his knowledge, and he shall have power to commit any person violating any ordinance of said town to calaboose, or to assign such person to work on the streets, but in no case shall the punishment exceed a fine of fifty dollars or imprisonment or labor for more than thirty days, in his discretion. The fees of the mayor shall be the same as the justice of the peace.

Manufacture, sale and gift of liquor prohibited.

Misdemeanor.

Punishment.

Sec. 8. That it shall be unlawful for any persons to manufacture, sell or give away, or dispose of, directly or indirectly, any spirituous liquors, extracts, mixtures or intoxicating drinks of any kind, for reward or hope of reward, within the corporate limits of the town of Evergreen; and if any person shall violate the provisions of this act, he shall be guilty of a misdemeanor and upon conviction thereof before the mayor, or any justice of the peace of Columbus County, shall be fined not less than twenty-five dol-

lars nor more than fifty dollars, or imprisoned or worked on the streets of said town not less than fifteen nor more than thirty days for each offense.

Sec. 9. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 211.

AN ACT TO CONSOLIDATE AND AMEND THE CHARTER OF THE TOWN OF MEBANE.

The General Assembly of North Carolina do enact:

Former charter amended.

Section 1. That chapter one hundred and thirty-two, Private Laws of one thousand eight hundred and eighty-three, entitled "An act to incorporate the town of Mebane, in Alamance County," and all acts amendatory thereof, be amended to read as follows:

Incorporation.

That the inhabitants of the town of Mebane shall be and continue, as heretofore they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of

Corporate name.

"The Town of Mebane," and under that name and style it is

Invested with property and rights.

hereby invested with all the property and rights of property which now belong to the present corporation of "Mebane," and by the

Corporate powers.

corporate name of the Town of Mebane may purchase and hold for its own use all such estate, real or personal, as may be conveyed, devised or bequeathed to it, and under such corporate name may sell and convey such estate, when deemed advisable by its board of commissioners, and under such corporate name said corporation may sue and be sued, plead and be impleaded in any and all courts of this State; it may contract and be contracted with, and may adopt and use a common seal, and shall have all the rights, powers and privileges conferred upon municipal corporations by and under chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, which are not inconsistent with the provisions of subsequent sections of this act, and shall have in addition thereto such powers and privileges as are granted under the provisions of subsequent sections of this act.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Commencing at a point in the center of the main track of the North Carolina Railroad Company immediately in front of the center of the present railroad station house, running thence north one-half mile; thence west one-half mile to an iron bolt; thence south one mile to an iron bolt; thence east one mile to an

iron bolt; thence north one mile to an iron bolt; thence west one-half mile.

Town officers.

Sec. 3. The administration of the affairs of said town shall be vested in a mayor and five commissioners, who shall be elected biennially, as provided in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina. That until the regular election of said mayor and commissioners provided for in said Revisal the present mayor and commissioners shall continue in office, with all the powers and privileges herein given such officers.

Present mayor and commissioners continued in office.

Duties of mayor.

Sec. 4. The mayor, when present, shall preside at all meetings of the commissioners, and when there is an equal division upon any question or in the election of any officer by the board, he shall determine the matter by his vote. He shall vote in no other case. The board shall, at its first meeting after its election, choose some one of its own number to act and serve as mayor *pro tempore* in the absence of the mayor, or when for any cause he shall be unable to serve and act.

Mayor pro tempore.

Commissioners one board: quorum.

Sec. 5. The commissioners shall form one board and a majority of them shall be competent to perform all the duties of the entire board.

Regular meetings.

At the first meeting of any board held after their election it shall fix time and place for regular meetings, which shall be as often as at least once in every month. Special meetings of the commissioners shall be held upon the call of the mayor or any two commissioners. Special meetings shall be called by a writing signed either by the mayor or two commissioners, and such call shall be read to all the commissioners at least four hours before the time of meeting, and such special call shall specify the time, place and object of such special meeting.

Special meetings.

Mayor and commissioners to qualify within one week.

Sec. 6. The mayor and commissioners elected at any election held in said town shall appear, take the oath of office and enter upon the discharge of their duties within one week after the time of their election.

Vacancies.

Sec. 7. Any vacancy which shall arise for any cause in the office of mayor or commissioner shall be filled by the remaining commissioners, and the person so elected to fill such vacancy shall hold office till the next regular election of mayor and commissioners.

Power to issue bonds.

Sec. 8. The board of commissioners shall have power, with the assent of the qualified voters of said town, to issue bonds and levy additional taxes for the payment of the interest on the same, and to provide a sinking fund for the liquidation of said bonds at maturity, for the following purposes, to-wit: For the mending and improving of the streets and sidewalks of said town by paving or otherwise; for the providing a supply of water for the use, convenience and health of the inhabitants of said town, and as a protection against property loss by fire; for a sewerage system and for the furnishing of lights for said town and the inhabitants

Purposes of bond issues.

thereof. Before any bonds are issued for any of said purposes the proposition to do so shall be submitted to the qualified voters of said town, either at a special election called for that purpose or at a general election held for the election of mayor and commissioners. Whether such question is submitted at a special or at a regular election, thirty days' notice thereof shall be given, and in said notice the people shall be told whether there is a new registration required, and shall be given the names of the registrar and poll-holders and notified of the time and place where parties who are qualified and wish to do so can register and vote. If the question is submitted at a special election, then such special election shall be held under the rules and regulations provided for holding general elections for mayor and commissioners, and only those persons shall be entitled to vote who could vote if such special election was a regular election held for the election of mayor and commissioners. The question of issuing all or any of said classes of bonds may be submitted at any regular election, or special election called for that purpose, and the board of commissioners shall submit the question of the issuing of any of said classes of bonds, upon there being filed with them a petition requesting them so to do, signed by twenty-five qualified voters of said town, and they shall submit such question within ninety days after the filing in proper form of such petition. The issue of bonds for lights shall not exceed six per cent. of the assessed value of the real and personal property of said town; the issue of bonds for water-works and a water supply shall not exceed six per cent. of the assessed value of the real and personal property of said town; the issue of bonds for the establishing of a sewerage system shall not exceed six per cent. of the assessed value of the real and personal property of said town, and the issue of bonds for street improvements shall not exceed six per cent. of the assessed value of the real and personal property of said town. Those bonds issued for the purpose of supplying said town with lights shall be designated on their face "Light Bonds"; those for supplying said town with water, "Water Bonds"; those for supplying said town with a sewerage system, "Sewerage Bonds," and those for improving the streets of said town shall be designated "Street Improvement Bonds." The electors who, at any election, desire to vote for the issuance of any class of bonds shall vote a ballot printed or written on white paper with the word "Approved" before the name of the bond for which they desire to vote, and those who shall desire to vote against the issuance of any bonds or class of bonds shall vote a ballot printed or written on white paper with the word "Disapproved" before the name of the bond against which they wish to vote. The votes shall be counted, tabulated, returned, and the result declared in all respects as provided for in the election of mayor and commissioners, with this exception: When the issue of bonds is not approved by a ma-

Election on issuance of bonds.

Notice of election.

Law governing elections.

Question of bond issue at regular or special election.

Petitions for elections.

Limit of bond issues.

Designation of bonds.

Form of ballots.

Count and return of votes and declaration of result.

jority of the qualified voters of the town, then a copy of the returns need not be sent and filed with the clerk of the Superior Court; but if the issuance of any class of bonds is approved by the votes of a majority of the qualified voters of the city, then a copy of the returns, certified by the mayor of said town and the clerk to the board of commissioners of said town, and the poll books used in the election concerning the issuance of said bonds, shall be transmitted to the clerk of the Superior Court and shall be by him recorded and filed. Should the proposition to issue bonds for either of the purposes above mentioned be approved by a majority of the qualified voters of the town, then the board of commissioners shall proceed to forthwith issue said bonds in denominations of not less than one hundred nor more than one thousand dollars, as they may see fit, and they may issue said bonds all of one denomination. Said bonds shall be what are known as coupon bonds (the interest payments to be evidenced by coupons attached to and made part of said bonds), and shall carry interest at a rate not in excess of six per cent., and shall be payable thirty years after date of issue, and shall be sold for not less than par. In the notice calling an election upon the question of issuing any of said bonds the board of commissioners shall specify what kinds of bonds are to be issued, the amount of bonds to be issued, the interest rate they are to bear, and the denominations in which said bonds are to be issued; and said bonds when issued shall be in accordance with such notice. The funds raised by the sale of bonds for furnishing lights shall be exclusively used for that purpose; those issued for the purpose of supplying water shall be exclusively used for that purpose; those issued for the purpose of installing a sewerage system shall be exclusively used for that purpose, and those issued for street improving shall be exclusively used for that purpose. In the event the question of the issuance of any or all of said classes of bonds is submitted to the voters of said town at a regular or special election, the board of commissioners shall have the power to decide whether there shall be a new registration of the voters of said town. In the event the issuance of any of said bonds is approved by a majority of the qualified voters of said town and said bonds are actually issued, then the commissioners of said town shall levy a special tax of a sufficient amount to pay accruing interest on said bonds so issued, and for the establishing of a sinking fund for the payment of said bonds at maturity; and such special tax shall be levied at the same time and collected by the same person and in the same manner as are taxes levied and collected for general municipal purposes.

Bonds voted for to be issued.

Denominations.

Interest.

Maturity.

Application of proceeds of bonds.

New registration.

Special tax if bonds issued.

Contracts for furnishing water and lights.

Sec. 9. The board of commissioners of said town shall have the right and power, in the name of said corporation, to make contracts with private individuals, firms or corporations for the supplying of said town and the inhabitants thereof with water or

lights, and they shall have the power to become part owners with either individuals, firms or corporations in plants for supplying either water or lights to said town and the inhabitants thereof.

Powers of commissioners as to streets.

Sec. 10. That the commissioners of said town shall have full right and power to discontinue, close or make narrower any of the streets or alleys at present open in said town, or to open, broaden or change the location of any of said streets or alleys, or to open new streets or alleys. When any land or right-of-way shall be required for the opening, changing or broadening of streets in said town, and the land-owner and the town cannot agree upon the price to be paid such land-owner, then the same may be taken as is provided by law for the county of Alamance to take property for opening public roads, and the amount to be paid such land-owner shall be ascertained in the same manner as that provided by law for ascertaining the amount to be paid a land-owner for property taken by the county for road purposes.

Condemnation of lands.

Proceedings when land-owners under disability.

Sec. 11. In case the owners of the land upon which an easement is desired for the purposes stated in the preceding section are infants, lunatics or non-residents, it shall be the duty of the board of commissioners to file a petition before the clerk of the Superior Court for Alamance County on behalf of said town of Mebane, making defendants the parties on whose land the right-of-way or easement is desired, and in said petition shall be set forth in detail the lands over which such right-of-way or easement is desired, and such proceeding shall be governed as to notice and time of hearing by the law governing other special proceedings; and upon the hearing the clerk shall appoint three disinterested freeholders of said town of Mebane, who shall view the premises, and report under their hands and seals what amount shall be paid by said town to said land-owners by way of damages; and if the said report is approved by the clerk, then a copy of said report, together with the judgment of the clerk approving the same, shall be spread upon the minutes of the meetings of commissioners of said town, and shall operate to give said town the easement and right-of-way over said property, when said town shall have paid to the proper parties the amount awarded them as damages for the taking of said right-of-way and easement.

Taxing.

Tax lists.

Sec. 12. All property the subject of taxation by the State and county shall be likewise subject to taxation by said town, and the board of commissioners shall have power to levy privilege taxes as it may see fit, not inconsistent with the laws of the State. It shall be the duty of the mayor of said town personally, or through his duly authorized agent, to obtain from the office of the Register of Deeds of Alamance County the assessed value of all real and personal property in said town liable to taxation therein, and to compute the tax upon the same and have the same ready to turn over to the tax collector of said town on the first Monday in October of each year, at which time all taxes due and owing said

Rate of tax.

town shall be due and collectible. The rate of taxation for general purposes shall not exceed sixty-six and two-thirds cents on the one hundred dollars of property valuation and two dollars on the poll.

Sanitary ordinances.

Sec. 13. The board of commissioners shall have the power to make such rules and regulations as they may deem necessary to preserve the health of said town, and to take all necessary

Quarantine.

measures and establish all necessary quarantines to preserve said town from danger from contagious and infectious diseases.

Cemeteries.

Sec. 14. That the board of commissioners of said town shall have the right and power to establish two or more cemeteries, and to appropriate money from the funds of said town for the purchase of land for such cemeteries and for the proper care of said cemeteries. They shall have the power of laying off such cemeteries, when established, into individual plots, and selling and conveying to individuals the exclusive right to bury in such plots; but any amount they may receive from such sale of the rights to bury in individual plots shall be used in caring for said cemetery.

Burial forbidden except in cemeteries.

It shall be unlawful for any person to bury the dead in any part of the incorporate limits of said town, save and except in those

Proviso: cemeteries already established.

cemeteries which may be established by said town: *Provided*, however, that this act shall in no wise interfere with the burial of the dead in any cemetery already established and now in use in said town.

Special assessment for improvement of sidewalks.

Sec. 15. That the land in said town abutting on sidewalks shall be liable to special assessment for the improvement of the sidewalk upon which the land may abut, the improvement to be by grading, curbing, paving, or in such manner as the board of commissioners of said town may elect; and to that end the board of commissioners are hereby authorized and empowered from time to time to designate such sidewalks as shall be improved, and to improve such sidewalks or parts of sidewalks so designated in such manner as it may see fit, and assess the land abutting thereon for the payment of a portion of the cost of such improvement, not to exceed fifty per cent. thereof: *Provided*, the total cost thereof

Notice to owner or agent.

shall not exceed one dollar and fifty cents a square yard. Immediately upon the completion of the improvement upon such sidewalks so improved, the owner of each lot or parcel of land abutting thereon shall be notified in writing, a copy of which notice shall be left with him, if he be a resident of said town or of Alamance County, of the amount of the assessment on his lot or parcel of land; and if the owner shall be a non-resident of said county and have a known agent, then such notice shall be served

Notice mailed to non-resident.

upon such agent; if the owner shall be a non-resident of said county and have no known resident agent, then such notice shall be mailed to him, if his address can be ascertained, and a like

Notice by publication.

notice shall be published for four successive weeks in some newspaper published in said Alamance County; and said notice shall

specify a time, not less than six months from the service thereof, for the payment of said assessment, and if the notice is served by publication, then the period of six months shall start from the time of the completion of said four weeks' publication. The said assessment shall be a lien on said property so abutting on the sidewalk improved, and if the owner shall neglect or refuse to pay the full amount of said assessment so made against any lot or parcel of land within the said town, then the mayor of said town shall sell the same at public outcry to the best bidder for cash in hand, and he shall make said sale on the property to be sold, after advertising time, place and terms of sale as required by law for sheriffs in selling land under execution; and if said land shall not bring more than the assessment against it and the cost of advertising the sale, the said mayor shall bid it in for the town. If bid in by the mayor for the town, then the owner may in one year pay the amount of said assessment, together with the cost of advertising said sale, and ten per cent. thereon, and shall thus divest the land of any lien on account of said assessment. If the owner shall fail to pay in one year, then the mayor shall execute a deed conveying said land to the town, and his deed shall convey to the town the title of the owner. If the land shall be knocked down to another than the town, then the purchaser shall be given a receipt for the price bid, and shall apply so much money of the price bid as shall be necessary to pay the amount of said assessment and advertising, and the balance he shall turn over to the owner, and the owner may, within one year from the day of said sale, pay to the bidder the amount bid, together with ten per cent. thereon, and the purchaser shall surrender to him the receipt of said mayor, and have no further claim on said land. If the owner shall not pay this in one year, the mayor shall, at the expiration of said year, execute a deed conveying said land to the purchaser, and this deed shall be sufficient to convey the estate of the owner therein.

Assessment a lien on property.

Collection.

Power of redemption.

Deed to land not redeemed.

Sec. 16. That sections two thousand nine hundred and eighty-five and three thousand six hundred and eight of the Revisal of one thousand nine hundred and five, relating to fire districts, shall apply to the town of Mebane and the commissioners and other officers thereof.

Fire districts.

Sec. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 212.

AN ACT TO AUTHORIZE THE ALDERMEN OF THE TOWN OF BRYSON CITY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Call of election for bond issue authorized.

Section 1. That the aldermen of the town of Bryson City be and they are hereby authorized to order and call an election within the corporate limits of the town of Bryson City, North Carolina, for the purpose of voting upon the issuance of interest-bearing bonds, in a sum not to exceed twenty thousand dollars, to run thirty years from the date of the issuance of said bonds, for the purpose of establishing a system of water-works within the corporate limits of the said town of Bryson City, and for such other purposes as the board of aldermen may deem expedient.

Amount.

Maturity.

Purpose.

Date of election.

Sec. 2. That the election to vote upon the question of the issuance of said bonds shall be held at the next general election for officers of said town of Bryson City, North Carolina, and all persons qualified to vote for officers within the corporate limits of said town shall be qualified to vote upon the issuance of said bonds; and all persons favoring the issuance of said bonds shall vote on a ticket, printed or written, the word "Bonds," and those voting against the issuance of said bonds shall vote on a ticket, printed or written, "Against Bonds."

Ballots.

Bonds to be issued if voted for.

Sec. 3. That in case a majority of the qualified voters shall vote in favor of bonds, then it shall be the duty of the board of aldermen to order the issuance of said bonds, for a sum not exceeding twenty thousand dollars, with interest, payable semi-annually, at such place as may be designated by the said board of aldermen; and the said bonds, so issued under and by virtue of this act, shall be in denomination not exceeding five hundred dollars, with coupons evidencing the interest payable on the same; and the said bonds and coupons shall specify the place of payment of both interest and principal, and shall be signed by the mayor of said town of Bryson City and countersigned by the secretary of the board of aldermen, and the corporate seal shall be affixed to the same.

Denomination.

How bonds authenticated.

Appropriation of proceeds of bonds.

Sec. 4. That the said bonds issued shall be used for the establishing of a system of water-works within the corporate limits of the said town, under the direction of the board of aldermen, or such persons as they may designate, and the said board of aldermen of the said town shall sell the said bonds for cash to the best advantage, but shall not sell the said bonds for less than face value, and the proceeds realized therefrom shall be used in the establishing of said system of water-works and other improvements.

Bonds not to be sold below par.

Sec. 5. That the said board of aldermen or a majority thereof may sell said bonds at a private sale, either in whole or in blocks, as they may deem most advantageous to the interests of the said town, but shall not sell the same for less than face value. Sale of bonds.

Sec. 6. That in case the said bonds are issued under and by virtue of this act, the board of aldermen shall levy annually a special tax of not exceeding twenty cents on the one hundred dollars' worth of taxable property within the corporate limits of said town, and not exceeding sixty cents on every taxable poll; which tax shall be collected as other taxes within the corporate limits of said town, and used for the purpose of paying off and discharging the interest of said bonds, evidenced by the coupons thereon, and the said tax so collected shall not be used for any other purpose than that of paying off and discharging said coupons. Special tax for interest if bonds issued. Rate. Application of tax.

Sec. 7. That after the expiration of ten years from and after the date of issuing the said bonds under this act, the board of aldermen of the said town may, in their discretion, levy annually a sum not to exceed ten cents on the one hundred dollars' worth of taxable property within the corporate limits of said town, and a sum not exceeding thirty cents on every taxable poll within the corporate limits of said town, which said sum, if levied, shall be collected as other taxes, and shall be set apart for the payment of the principal of said bonds at maturity, or for the purchase and retirement of the same. Special tax for payment of bonds.

Sec. 8. That the board of aldermen shall cause notice to be given in some newspaper published in Swain County of the holding of the election and the purpose of the same, for thirty days prior to the day of voting upon the issuance of said bonds. Notice of election.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 213.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHERRYVILLE, IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and fourteen of the Private Laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the town of Cherryville, in Gaston County," be and the same is hereby amended by striking out, in lines seven and eight of section six thereof, the words "not to exceed one-half of the State tax." Tax rate.

To have powers given by general law.

Sec. 2. That said town of Cherryville shall have and possess all the rights, powers and privileges prescribed by chapter seventy-three of the Revisal of one thousand nine hundred and five: *Provided*, that this act shall not be so construed as to deprive said town of any of the powers or privileges now vested in it.

Proviso: rights not abrogated.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 214.

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ISSUE BONDS FOR THE PURPOSE OF IMPROVING AND REPAIRING THE STREETS AND SIDEWALKS OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the aldermen of the city of Durham be and the same are hereby authorized to issue coupon bonds, not to exceed

Amount.

in amount the sum of two hundred and seventy-five thousand

Denominations.

dollars, and in denominations of not less than twenty-five dol-

Interest.

lars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per centum per annum, and payable semi-annually, on the first day of January and the first day of July of each year, until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by

Maturity.

said aldermen and named therein, not to be less than five nor

Proviso: bonds may be classified.

more than thirty years from date thereof: *Provided*, however, that the said aldermen of the city of Durham may divide said bonds into classes, as they may determine best, and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be

How bonds authenticated.

numbered, and the bonds shall be signed by the Mayor of the City of Durham and countersigned by the clerk of the board of aldermen of said city, and have the corporate seal of said city affixed thereto; and the coupons thereto attached shall bear the facsimile signature of the mayor of said city, engraved or litho-

Record of bonds.

graphed thereon; that a record shall be kept of the said bonds, showing the numbers and the denominations thereof, and to whom sold, the dates of the issuing thereof, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of same, and the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the board of aldermen may direct to be kept.

Sec. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the mayor of the city shall not deliver said bonds, or any of them, to the purchaser thereof until the purchase-money thereof shall be paid to the treasurer of said city and his receipt to the purchaser produced before the mayor as evidence of such payment; and the treasurer of the city shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer of said city, and he and the sureties on his official bond shall be liable to account for and pay over the same, as is provided in this act or as may be otherwise provided by the laws relating to the treasurer of said city of Durham; and it shall be the duty of the board of aldermen of the said city of Durham to see to it that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, and to that end they may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from his office as treasurer.

Bonds not sold below par nor delivered until paid for.

Sec. 3. That the Treasurer of the City of Durham shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended under the direction of the Board of Aldermen of the City of Durham in grading, curbing, macadamizing and paving, and otherwise improving and repairing the streets and sidewalks of the city of Durham: *Provided*, however, this act shall be submitted to the qualified voters of the said city of Durham for their ratification or rejection, at an election to be held in said city at such a time as the aldermen may appoint, within two years from the ratification of this act. The said election shall be advertised by the said Board of Aldermen of the City of Durham for thirty days prior to the day of election, in one or more newspapers published in said city, and the said election shall be held under the supervision of inspectors and poll-holders or judges of election appointed by said board of aldermen, and the returns of the result of said election be made and certified in like manner as all other elections in said city, and in like manner the returns of said election and the result thereof be canvassed by the said board of aldermen and the result declared. At the said election those in favor of issuing said bonds shall vote "For Street Bonds," and those who are opposed shall vote "No Street Bonds," on written or printed ballots; that the number of the ballots cast for and against said bonds and deposited in the ballot boxes provided for that purpose shall be counted and the result of the said election certified and returned to the said Board of Aldermen of the City of Durham; and the same, when canvassed and declared as aforesaid, shall be certified, under the hand of the mayor of the said city and the clerk of the

Treasurer to keep proceeds separate from other moneys.

Appropriation of proceeds.

Proviso: act to be submitted to voters.

Election to be advertised.

Law governing election.

Returns.

Form of ballots.

Result certified to secretary of State.

said board of aldermen and the corporate seal of the said city of Durham, to the Secretary of State, which said certificate of result of said election shall be filed by the Secretary of State in his office. If at said election a majority of the qualified voters of the city of Durham shall not vote "For Street Bonds," then this act shall thereafter be of no force and effect; but if at said election a majority of the qualified voters of the city of Durham shall vote "For Street Bonds," then the said board of aldermen shall proceed at once to issue and sell said bonds, or as many thereof as shall be necessary, in the judgment and discretion of said body corporate, for purposes aforesaid.

Bonds to be issued if voted for.

Special tax for interest and sinking fund.

Rate.

Sec. 4. In order to pay the interest on said bonds, and to create a sinking fund to pay the principal of said bonds at maturity, the Board of Aldermen of the City of Durham shall levy and collect a special tax of not exceeding eleven cents on every hundred dollars" worth of taxable property in the said city, or such other special tax as may be necessary for that purpose; and the money paid into the city treasury, received from the taxes under this act, shall be appropriated for the payment of said bonds and coupons, and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund, after all the aforesaid bonds and coupons shall have been redeemed, may then be transferred by order of said body corporate to the general funds of said city of Durham.

Proviso: surplus to general fund.

Trustee may be appointed.

Sec. 5. The Board of Aldermen of the City of Durham may, if in their opinion at any time it becomes necessary or advisable, appoint a trustee, whose duty it shall be to receive from the tax collector of the city of Durham all taxes collected under this act, for the purpose of paying the interest on said bonds and for creating a sinking fund to pay the principal of said bonds at maturity, and the said board of aldermen may prescribe the duty of said trustee, fix the amount of his compensation and the bond for the faithful performance of duty on his part. It shall be the duty of the trustee to invest or lend the money coming into his hands for the purpose of creating a sinking fund in safe securities and upon real estate situated in the city of Durham: *Provided*, however, that no such investment or loan shall be made without the consent and approval of said body corporate hereinbefore referred to.

Duty, pay and bond of trustee.

Investment of sinking fund.

Proviso: approval of loans.

Commission of treasurer.

Sec. 6. The Treasurer of the City of Durham shall be allowed in full payment for his services a commission of not exceeding one-fourth of one per centum of the amounts disbursed under this act, arising from the sale of said bonds, but shall not be allowed anything for receiving the same from the city tax collector.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 215.

AN ACT TO AMEND THE CHARTER OF ELIZABETH CITY AND TO AUTHORIZE THE BOARD OF ALDERMEN OF SAID CITY TO ISSUE BONDS AND LEVY A SPECIAL TAX FOR PAVING THE STREETS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifteen, Private Laws of one thousand nine hundred and five, be amended by adding to section forty-eight the following: The board of aldermen of the corporation of Elizabeth City shall also have the power to require every owner of real estate in the corporation of Elizabeth City to have one-fourth of the street or streets in front of his or her land paved in such a manner and with such material as said board of aldermen may deem best, and to enforce such requirements by proper fines and penalties; and upon the failure of such owner to do such paving, the corporation of Elizabeth City may have the same done and the cost thereof may be assessed upon the property of such a delinquent, and shall become a lien upon said land and improvements thereon, and be added to the taxes against him or her and collected in the same manner that other taxes or assessments are collected; or the lien for said amount may be enforced by a judgment of the Superior Court of Pasquotank County, condemning said land to be sold for the payment thereof and cost: *Provided*, said corporation may allow any one to pay same in equal annual installments, with five per cent. interest, not exceeding five years.

Assessment of street work on land-owners.

Work done by city on default of land-owner.

Cost a lien on property charged.

Enforcement of payment.

Proviso: payment by installments.

Sec. 2. To enable the corporation of Elizabeth City to pave the said streets as set out above, and also to get stone curbing, it is hereby authorized and empowered to contract for said paving of said streets, and also to issue its bonds from time to time in such amounts as may be necessary up to and not exceeding one hundred and twenty thousand dollars, drawing interest at the rate of five per cent. per annum from the date of issue, payable annually: *Provided*, said bonds shall be sold at not less than par, and to become due and payable twenty years from the issue thereof. That one hundred thousand dollars arising from the sale of said bonds shall be used for paving the streets as aforesaid, and twenty thousand dollars to be used in the different wards for stone curbing of sidewalks, in proportion to the amount of taxes each ward pays.

Street paving let to contract.

Bond issue authorized.

Amount.

Interest.

Bonds not to be sold below par.

Maturity.

Division of proceeds of bonds.

Sec. 3. That no contract for said paving of said streets shall be made by the Board of Aldermen of Elizabeth City without first having the approval of the board of permanent improvement.

Contracts to be approved by board of permanent improvement.

Sec. 4. That C. H. Robinson, O. McMullan, J. C. Brooks, W. C. Glover, J. B. Flora, J. R. Pinner and H. T. Greenleaf, Sr., be and they are hereby appointed the Board of Permanent Improvement

Board of permanent improvement named.

Term. for Elizabeth City, whose term shall expire on the first day of
Election of successors. June, one thousand nine hundred and nine; and their successors shall be elected at the regular municipal election for aldermen for the corporation of Elizabeth City in one thousand nine hun-
Proviso: vacancies. dred and nine, and every two years thereafter: *Provided*, upon any vacancy by death, resignation or otherwise in said board of permanent improvement, the said board shall fill such vacancy for
Board to serve without compensation. the unexpired term: *And provided further*, that said board shall serve without compensation.

Water and sewer pipes. Sec. 5. That the aldermen of the corporation of Elizabeth City shall have the power to compel the water and sewerage company to lay all pipes so as to make all connections as the streets are paved, so as to avoid the necessity of tearing up any part of the improved streets.

Special tax. Sec. 6. That the aldermen of the said corporation shall levy a
Rate. tax annually, not exceeding twenty-five cents upon the hundred dollars valuation of all property, to pay the interest and principal of the bonds for said street improvement.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 216.

AN ACT AUTHORIZING THE MAYOR AND COMMISSIONERS OF THE TOWN OF REIDSVILLE, IN THE COUNTY OF ROCKINGHAM, TO ISSUE BONDS FOR THE ESTABLISHMENT OF A SYSTEM OF SEWERAGE FOR SAID TOWN, AND FOR STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Purposes of issue. Section 1. That for the purpose of raising money to put in a system of sewerage, and for the further purpose of street improvement in the town of Reidsville, in Rockingham County, the
Bond issue authorized. mayor of said town, in conjunction with the board of town commissioners, is hereby authorized and empowered to issue bonds
Amount. to an amount not to exceed one hundred thousand dollars, payable
Interest. at such place as they may designate. Said bonds shall bear not exceeding five per cent. interest per annum, which interest shall be payable semi-annually, and each bond shall have coupons attached thereto for the amount of interest due thereon for each six
Coupons receivable for town taxes. months the bonds have to run, and said coupons, after their maturity, shall be receivable in payment of town taxes. If the holder of said bonds or coupons shall fail to present the same for payment at the time and place therein named he shall not be entitled to more than fifteen days' interest thereon for the time
Denominations. they have been outstanding after maturity. Said bonds shall be in denominations and forms as shall be determined upon by the

mayor and commissioners of said town, and shall mature and be made payable in not less than thirty years from the date of their issue, and shall be signed by the said mayor and countersigned by the clerk of said board of commissioners; and the clerk shall keep a record of the number and amount of each class of bonds issued, the date of issue, when the same matures and to whom payable. Maturity. How authenticated. Record of bonds.

Sec. 2. That said bonds shall not be sold, hypothecated or otherwise disposed of for less than par value, nor shall said bonds or their proceeds be used for any purpose other than the purposes mentioned in section one of this act. Bonds not to be sold below par.

Sec. 3. That for the purpose of providing for the payment of the interest on said bonds, as well as the redemption of the same at their maturity, said mayor and board of commissioners shall annually, at the time of levying other town taxes, levy and lay a special and particular tax on all persons, property and subjects of taxation which are now subject to taxation under the charter of said town and the various amendments thereto, or which hereafter by future amendments may become subject to taxation, sufficient to meet the interest on said bonds. The taxes provided for in this section shall be collected in the same manner and at the same time and places as the other town taxes are collected, and shall be accounted for and kept separate and apart from the other town taxes, and shall be applied exclusively to the purposes for which they are collected; and it is further provided that after the expiration of five years from the issuance of said bonds or any part of them, an additional special tax (if that be deemed expedient) may in like manner be levied, laid and collected each and every year, sufficient in amount to redeem, retire and take up each and every year thereafter five per cent. of said bonds issued and outstanding, otherwise all of them at their maturity. Special tax for interest and sinking fund.

Sec. 4. That none of these bonds shall be issued until this act shall be submitted to and approved by a majority of the qualified voters of said town of Reidsville, at an election to be held in said town on a day to be designated and fixed by said mayor and board of commissioners at any time after the ratification of this bill, and after the expiration of a public notice for thirty days preceding the election, giving time when and place where the said election will be held; which said notice shall contain a synopsis of the object and purposes of this act, and shall be published once a week for four consecutive weeks immediately preceding said election, in the newspapers published in the town. Said election shall be held and returns thereof be made under the same provisions, rules and regulations as exist in cases of election for mayor and commissioners of said town. Those qualified voters approving the provisions of this act shall vote "Issue," and those not approving its provisions shall vote "No Issue." If it shall appear from returns of said election that a majority of Act to be approved by voters. Notice of election. Law governing election. Ballots.

qualified voters of said town have voted in favor of the issuance of the said bonds, then the same may be issued in accordance with the provisions of this act; otherwise not.

New registration ordered.

Sec. 5. That a new registration shall be ordered by the said board of town commissioners for the purposes of this election.

Sec. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 7. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 217.

AN ACT TO INCORPORATE THE TOWN OF BONSAL.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the territory hereinafter described, situated in Chatham and Wake Counties, is hereby incorporated as a town by the name of Bonsal, with all the rights, powers, duties and liabilities given under chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina.

Corporate name.

Corporate powers.

Boundaries.

Sec. 2. That the following shall be the boundaries of said town: Beginning at a point on south side and one hundred and sixteen poles from the center of the Seaboard Air Line Railroad, running northward and crossing said railroad at right angles just where said road crosses Tom Jack Creek; thence two hundred and forty-nine poles to a corner near J. D. Richardson's residence; thence eastward, parallel with the Seaboard Air Line Railroad to a corner on the north side and one hundred and thirty-three poles from the center of said road; thence southward running at right angles with said road, crossing in the center of the first private railroad crossing just east of L. F. Rollins' residence, two hundred and forty-nine poles to a corner on south side of the railroad; thence westward parallel with said railroad to the beginning.

First officers named.

Sec. 3. That until the next regular election, on Tuesday after the first Monday in May, one thousand nine hundred and seven, when their successors shall be elected, the following named persons shall be the officers of the said town: Mayor, J. D. Richardson; commissioners, J. H. Boothe, J. R. Boothe, W. H. Seagroves, L. D. Richardson and L. F. Rollins; constable, S. D. Holt.

Fines and forfeitures to use of Chatham county school.

Sec. 4. That all fines and forfeitures imposed by the officers of the town shall be paid to the school fund of Chatham County.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 218.

AN ACT TO INCORPORATE THE TOWN OF HOOKERTON, IN THE COUNTY OF GREENE.

The General Assembly of North Carolina do enact:

Section 1. That the town of Hookerton, in the county of Greene, be and the same hereby is incorporated and created a body politic by the name and style of "Hookerton," and shall have all of the powers, rights and privileges and be subject to all of the duties provided in chapter seventy-three (73) of the Revisal of one thousand nine hundred and five of North Carolina. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the boundaries of the said town shall be and remain, and the same hereby are established, as follows, to-wit: Beginning at the mouth of Rainbow Run, on Moccasin River; thence with the course of said run to a bridge on Snow Hill and Hookerton public road; thence south to John I. Beaman's line; thence east with said Beaman's line to the Kinston and Hookerton public road; thence south with said road to W. W. Ormond's line; thence east with said Ormond's line to F. M. Taylor's line; thence north with said Taylor's line to the eastern boundary of the Hookerton cemetery; thence north to Moccasin River; thence with the course of said river to the beginning. Boundaries.

Sec. 3. That the officers of the said town of Hookerton shall be a mayor and four commissioners, who, at the time of their organization, or as soon thereafter as may be, shall elect a town constable and a clerk and treasurer; and whenever they may deem it necessary they may appoint such police officers as in their judgment may be required for the due preservation of the peace and good order of the town. Town officers.

Sec. 4. That the person so elected as clerk and treasurer shall be required to enter into a bond in such amount as the said board of commissioners may deem sufficient, not exceeding the sum of five hundred dollars, payable to the said town, for the faithful discharge of the duties of his office, which bond shall be duly justified before the mayor of said town, and approved by him for the same, if accepted. Clerk and treasurer to give bond.

Sec. 5. That until the time of the first regular election to be held for the officers of the said town and the qualification of the officers therein elected, the government of the said town shall be vested in the following persons, to-wit: E. E. Sugg, mayor; W. F. Taylor, G. W. Hart, B. F. D. Albritton and G. C. Edwards, commissioners; the said officers shall meet and be sworn and inducted into office on the fifteenth day of March, one thousand nine hundred and seven, or as soon thereafter as may be. First officers named. Date for induction into office.

Sec. 6. That an election shall be held in the said town on Tuesday next after the first Monday of May, one thousand nine hun- Town elections.

dred and seven (1907), and biennially thereafter, for the election of the mayor and commissioners of the said town, under the rules and regulations prescribed for town elections in the said chapter seventy-three (73) of the Revisal of one thousand nine hundred and five.

Officers elect to meet within three days.

Sec. 7. That within three days after the said election the persons elected as officers for the said town shall meet and shall be inducted into office, after being duly sworn as required by law.

Mayor elected by commissioners.

Sec. 8. That after the first election so held for said town, the said mayor and commissioners shall have the power, if they so choose, to elect all the governing officers of the town as commissioners for the same, and in that case the commissioners so elected shall elect the mayor out of their own number.

Manufacture and sale of liquor forbidden.

Sec. 9. That it shall be unlawful to manufacture or sell, or in any way dispose of, for gain, any spirituous, vinous or malt liquor or other intoxicating drinks or liquids whatsoever, within the limits of the said town of Hookerton, or within a radius of two miles from the academy or school building in the said town, except upon the prescription of a regular practicing physician.

Misdemeanor. Punishment.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction fined or imprisoned, or both, in the discretion of the court.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 219.

AN ACT TO ESTABLISH A GRADED SCHOOL IN CERTAIN SPECIFIC TERRITORY IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Territory in Sandhills township.

Section 1. That the following territory, lying and being in Sandhills Township, Moore County, North Carolina, and more particularly described as follows:

Boundaries.

Beginning at the right-of-way of the Seaboard Air Line Railway at James McCree's southeastern corner, near the seventieth mile-post on said railway; runs thence with McCree's line westward passing his corner to Deer Branch in the rear of F. A. Dimmick's farm; thence down the course of Deer Branch to its mouth; thence down the cources of Aberdeen Creek to the southern line of the Sidonia Huett land; thence with her southern line eastward to Forked Branch; thence down the courses of Forked Branch to Miss Mary Page's corner at Broadway Ford; thence with E. W. Shedd's southern line of

five acres south forty and one-half east two hundred feet past his corner, one thousand two hundred and fifty feet to J. E. Thompson's western corner; thence south thirty-one west to Elm Street, in the town of Aberdeen, by B. D. Wilson's garden; thence with Elm Street northward to the dam of the Aberdeen Power and Milling Company; thence with the dam to the channel of Aberdeen Creek; thence up the western edge of Aberdeen Creek to the mouth of McCallum's Big Branch; thence up the various courses of that branch to its head, near the three-mile post of Aberdeen and Ashboro Railroad; thence south to the head of Juniper Branch, north of Pinebluff; thence down the courses of Juniper Branch to its mouth; thence up the courses of Aberdeen Creek to the mouth of Patterson Branch; thence up the Patterson Branch to the Pinebluff road; thence as that road eastward to the town bridge spanning Aberdeen Creek, in the town of Aberdeen; thence south eighty east three hundred feet to the southern corner of the Spiritine plant; thence south thirty west to the western corner of the Tarbell tract; thence with the southern line of that tract eastward to the right-of-way of the Seaboard Air Line Railway; thence as the western edge of said right-of-way southward to Chinquapin Branch; thence up the courses of that branch to its head; thence east to the Pee Dee road; thence with the Pee Dee road northward to the Big Bottom at the head of east Juniper; thence with the Aberdeen road to the stock-law gate at Berkelyn; thence west to the eastern line of the Seaboard Air Line Railway; thence northward with said railway to McFarland's Branch; thence up the courses of McFarland Branch to a large pine about three hundred feet below the McFarland old mill-dam; thence north sixty-two east to John T. Harrington's north corner of two acres by Main Street; thence north thirty-five east two hundred and forty feet; thence south seventy east to the eastern line of Mrs. C. E. Pleasants' home tract; thence with the eastern line of that tract north thirty-five east to Bethesda Avenue; thence with Bethesda Avenue south seventy-two east to its intersection with Spring Street; thence as Spring Street northeastward to the right-of-way of the Aberdeen and Rockfish Railroad; thence as the line of that right-of-way southeastward to the Pee Dee road; thence with the Pee Dee road southward to the Christian Graham road to the hill south of the McFarland old field; thence with the Christian Graham road two hundred feet southeastward; thence southward on a line parallel with the Pee Dee road and two hundred feet from that road to the G. W. North line; thence with his line east to the Cumberland County line; thence with the Cumberland County line about north forty-six east to Rockfish Creek; thence up the courses of Rockfish Creek to its head; thence due west to the Lumberton road; thence with the Lumberton road southward eight hundred and eighty yards; thence north forty-five west to

the line of D. S. Ray's land (now Chandler's); thence with his line westward to the Pee Dee road; thence with the Pee Dee road to the south corner of the Blind William Davis field; thence west to Ray's Mill Creek; thence down the courses of said creek to the bridge spanning the pond near the Seaboard Air Line Railway; thence south twenty-five west to the crossing of Pine Street and Aberdeen and Rockfish Railroad; thence with said railroad westward to T. M. Sharp's southern line; thence with Sharp's southern line south sixty-one east to Pine Street; thence with Pine Street south twenty-nine west to the corner of Troy Roberts' land; thence with the line of that north sixty-one west to the line of the Seaboard Air Line right-of-way; thence with the line of the Seaboard right-of-way about north thirty east to Newton's corner, opposite the first station; thence crossing the railroad to the beginning, is hereby created one school district, to be known as Aberdeen Graded School; excepting from the boundaries described the lands of D. A. McNeill, W. A. McNeill, Neill A. Blue, Alfred Turner and that part of the lands of Daniel J. Campbell lying north of the public road, and the lands of Mr. and Mrs. Chas. E. Pleasants.

Aberdeen graded school.

Lands excepted.

Trustees appointed.

Sec. 2. That the following parties are hereby appointed school trustees for the schools in said district, and shall hold for the following terms, and all vacancies shall be filled in the following manner, to-wit: H. A. Page and D. N. Caviness for one year, J. W. Graham and C. N. Blue for two years, D. J. Campbell and W. W. Maurer for three years; and the term of office of each of said trustees shall commence with the date of the ratification of this act. All vacancies in said board, whether arising from death, resignation, removal, expiration of term of office, or otherwise, shall be filled by the remaining trustees, and the majority shall have the power of selection, and the persons selected shall hold for three years from the date of their selection.

Beginning of office.

Vacancies.

Trustees to call election. Date.

Question to be submitted.

Notice of election.

Registrar and poll-holders.

Law governing election.

Form of ballots.

Sec. 3. That the said board of trustees shall, on the first Monday in May next ensuing, submit to the qualified voters of said district above created the question of establishing a graded school in said district; and said trustees shall give thirty days' notice of said election by a notice thereof published in some newspaper published in Moore County, and by notices posted at four public places in said district. The said board of trustees shall select three men, qualified voters of said district, one of whom they shall appoint registrar and the other two poll-holders, to hold said election; and these three shall hold said election and shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of county officers; and the qualified voters of said district shall vote, at said election on the first Monday in May next ensuing, tickets on which shall be written or printed the words "For Graded Schools," or "Against Graded Schools," and

the result of the election shall be declared by the same rules that govern the election of county officers; and the parties holding said election shall certify the result thereof to the County Commissioners of Moore County. The said election shall be held in the school building in the town of Aberdeen.

Result certified to county commissioners.

Polling place.

Sec. 4. That if the majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall be the duty of the Board of Commissioners of Moore County to levy annually a special tax of not less than forty cents nor more than fifty cents on the one hundred dollars valuation of all the taxable property of said school district, and upon the poll not less than one dollar and twenty cents and not more than one dollar and fifty cents; and the tax so levied on the residents of said district and the property holders therein shall be collected by the sheriff of the county in which they reside, and said sheriff shall pay the amount so collected direct to the treasurer of said board of school trustees, and shall receive for his compensation for the collection and disbursement of this special tax five per centum commission one way. These taxes shall be collected at the same time and in the same manner as are our other taxes.

Special tax if vote be in favor of schools.

Rate.

Sheriff to collect tax and pay direct to school treasurer.

Commission of sheriff.

Sec. 5. That all moneys coming to the said district above described for school purposes from the State and from the county above mentioned, as well as that coming from the special tax above referred to, shall be by the proper officers paid to the board of trustees above created and their duly constituted successors, and shall be by them used for the benefit of the graded school above referred to.

Apportionment from general school funds.

Sec. 6. That said school trustees above named, and their duly constituted successors, shall have the sole and exclusive charge of the public schools in said territory, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper. And they shall select a treasurer, who shall have charge of all the moneys to be used for school purposes, and who shall pay the same out on such vouchers as they shall direct, and who shall receive such compensation and give such bond as they shall dictate. The said trustees above named shall spend all money coming to their hands from all the sources above named and from any other source that shall be paid, bequeathed or devised them for the schools in this territory, for the benefit of said schools. The trustees and other officers of said school shall make to the county superintendent, the county board of education and the State Superintendent of Public Instruction all reports required by the public school law of the State.

Trustees to have exclusive charge of schools.

To organize.

Treasurer.

Compensation and bond of treasuer.

Money to be spent for benefit of schools.

Reports.

Sec. 7. That said trustees shall have the power to employ all teachers and select all officers necessary for said public schools, and to fix their compensation; and they shall have the power to establish and maintain such schools as they deem necessary. They shall have the right and power to buy, sell, take and hold real

Powers of trustees.

property and personal property necessary to the use of said schools, and they shall have the right and power to do any and all things necessary for the successful conduct of said schools.

Non-resident pupils.

And should parents or other parties having charge of children of school age, outside of said territory, desire to send to the schools in said territory, then the trustees shall have the right to permit them so to do, upon such terms as shall be fixed by said trustees.

Property to be conveyed to trustees.

Sec. 8. That all the property now situated in said territory and used for public schools shall be by the proper authorities conveyed to the trustees above named and their duly constituted successors.

Sec. 9. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 220.

AN ACT TO PROVIDE FOR THE ISSUE OF BONDS BY THE LOUISBURG GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

County commissioners to call election on recommendation of trustees of school.

Section 1. That the Board of Commissioners of Franklin County shall, upon the recommendation of the Board of Graded School Trustees of Louisburg, call an election, in which shall be submitted to the qualified voters of the Louisburg Graded School

Amount to be voted on.

District the proposition to issue not more than ten thousand dollars in coupon bonds, in addition to the bonds authorized to be issued by chapter one hundred and nineteen of the Private Laws of

Registrar and poll-holders.

one thousand nine hundred and five; and for such election shall appoint a registrar and two poll-holders to conduct said election,

Notice of election.

who shall canvass and declare the result. The said election shall be advertised by the board of county commissioners for thirty days prior to the day of election in some newspaper published in Louis-

Law governing election.

burg Township. Otherwise the said election shall be advertised and held in accordance with the law regulating the holding of

Ballots.

elections for members of the General Assembly. Those voting for the issue of said bonds shall have written or printed upon their ballots the words "For Bonds"; those voting against the same shall have written or printed upon their ballots the words "Against Bonds." If a majority of the qualified electors of said district

Special tax.

shall vote in favor of the issue of said bonds, then there shall be levied annually by the Board of County Commissioners of Franklin County on all persons and property within the limits of said dis-

trict, liable for taxation, a special tax of not more than ten cents on the one hundred dollars' worth of property, and not more than thirty cents on the poll, in addition to the tax authorized to be levied by chapter one hundred and nineteen of the Private Laws of one thousand nine hundred and five; said tax to be collected by the Sheriff of Franklin County and turned over to the treasurer of said board of trustees, and the proceeds thereof to be used for providing for the payment of said bonds and for defraying the expenses of said graded school; also the said board of trustees shall issue the bonds of said graded school district not to exceed the said amount of ten thousand dollars, of such denomination as they may deem advisable, bearing interest from date at a rate not to exceed six per cent. per annum, with interest coupons attached, payable semi-annually, at such time or times and at such place or places as may be deemed advisable; said bonds to be of such form and tenor, and transferable in such a way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places, as the said board of trustees shall determine. Said bonds shall be signed by the chairman of said board of trustees and countersigned by the secretary thereof, and shall not be sold or otherwise disposed of for less than their par value. The proceeds arising from the sale of said bonds shall be expended by said board of trustees in the erection, completion and equipment of such school buildings as may be required, and for no other purpose. An election resulting unfavorably to the levying of said tax shall not exhaust the power of said board of trustees to submit the question of levying said tax and issuing said bonds at another and subsequent election, to be held as hereinbefore provided for, at any time within five years from and after the holding of said election.

Rate.

Bonds to be issued.

Interest.

Maturity.

How bonds authenticated.

Not to be sold below par.

Application of proceeds.

Successive elections.

Sec. 2. That chapter one hundred and nineteen of the Private Laws of one thousand nine hundred and five be amended by adding thereto the following:

"Sec. 13. The limits of said graded school district may at any time be enlarged and new territory included therein upon a vote of a majority of the qualified voters in said additional territory, held and made as follows: A petition shall be prepared definitely stating by ascertainable bounds the territory proposed to be added. Such petition shall be signed by a majority of the voters resident in said additional territory, whose names appear in the registration books of Louisburg Township as used on the preceding general election; the signature of any voter to be counted the vote of such person affixing his name to said petition. This petition shall be presented to said board of trustees, accompanied by a list of all the voters in said territory, the correctness of which is to be attested by the affidavit of some reputable freeholder of Louisburg Township. The said trustees, if they approve the addition of such territory, shall thereupon cause to be posted in some pub-

Enlargement of district.

Petition for extension.

Signature to petition to be counted as vote.

Presentment of petition.

Notice of filing of petition.

lic place in the town of Louisburg for thirty days a notice of the filing of said petition. At the expiration of the thirty days' notice, this petition shall be presented to the Board of Commissioners of Franklin County. The said board of commissioners shall have power to hear and determine the challenges to the right of persons whose names are signed to said petition to vote, under the same rules as apply to challenges in election of members of the General Assembly, and shall have power to correct, upon proper evidence, the list of voters resident therein. A residence in said territory of at least sixty days immediately preceding shall be necessary to entitle any one to vote as above, in addition to the qualifications required by law. If it shall appear that a majority of the qualified voters of such additional territory have signed such petition, then the said board of commissioners shall order the territory therein described to be included in said graded school district, and upon such order the said additional territory shall be subject to all the provisions in this act, in the same manner and to the same extent as if definitely described and included herein; and at the next general tax levy the same tax shall be levied and collected on the persons and property therein as on the persons and property in the original district: *Provided*, that no territory shall be added except such territory as adjoins and is contiguous to the said district at the time of filing said petition."

Presentation to county commissioners.

Challenges.

Residence to qualify petitioner.

Additional territory included.

Tax levy.

Proviso: only contiguous territory added.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 221.

AN ACT TO AMEND CHAPTER 316, PRIVATE LAWS OF 1903, AN ACT TO INCORPORATE THE TOWN OF WENDELL, IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. Amend section two of said act by striking out all after the word "lines," in line two of said section, and substituting therefor the following: "That the corporate limits of said town shall be in the form of a regular octagon, inscribed in a circle whose radius shall be one-half mile, with center of circle in the center of the crossing of the Norfolk and Southern Railway's main line, where Main Street crosses said railway track."

Tax rate.

Sec. 2. Amend section seven of said act by striking out the words "twenty-five cents," in line three of said section, and inserting in lieu thereof the words "thirty cents"; and by striking out the words "seventy-five cents," in line four of said section, and inserting in lieu thereof the words "ninety cents."

Sec. 3. Add a new section to said act, to be numbered section eight, as follows: "That the board of commissioners of said town shall have power and authority to provide for the working and keeping in repair the streets of said town; and to this end the said commissioners are empowered to enact an ordinance requiring each able-bodied male resident of said town to work on said streets not more than four days in each year, and to provide penalties for failure to obey said ordinance, and may in such ordinance provide for the payment of a sum of money in lieu of such road service, not exceeding one dollar per day for the required time." Powers of commissioners as to streets.

Sec. 4. That the section of said act now numbered section eight shall be changed to section nine.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 222.

AN ACT TO AUTHORIZE THE CITY OF HICKORY TO ESTABLISH AND OPERATE AN ELECTRIC-LIGHT PLANT, AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. That the Mayor and Board of Aldermen of the City of Hickory are hereby authorized and empowered to issue coupon bonds to an amount not exceeding fifty thousand dollars, for building an electric-light plant and improvement of the streets of said city; said bonds to be in denominations of not more than one thousand and not less than one hundred dollars, and to draw interest at five per cent. from date of said bonds. Bond issue authorized. Amount. Denominations. Interest.

Sec. 2. The said bonds shall be numbered, and shall be signed by the mayor and the secretary and treasurer of said city, and shall bear said city's common seal. The interest on the same shall be payable semi-annually, in the city of Hickory, on the first day of January and the first day of August, respectively, of each year. Bonds to be numbered. How bonds authenticated.

Sec. 3. Before any bonds shall be issued under this act, the proposed issue shall first be approved by a majority of the qualified registered voters of said city, at an election to be called by the mayor and board of aldermen of said city, upon not less than thirty days' notice in some newspaper published in said city. The mayor and board of aldermen shall have full power to prescribe rules and regulations for conducting said election and to appoint necessary officials to hold the same and announce the result. Issue to be approved by voters. Election called by mayor and aldermen. Notice of election. Rules and regulations.

Bonds exempt and coupons receivable for city taxes.

Sec. 4. Said bonds, and all proceeds arising therefrom, shall be exempt from city taxes before maturity, and the coupons thereon shall, when offered, be received in payment for city taxes.

Special tax for interest and sinking fund.

Sec. 5. That, for the purpose of providing a sinking fund for the payment of said bonds and interest thereon, the said mayor and board of aldermen are hereby authorized and empowered to levy a special tax annually, not to exceed thirty cents on the hundred dollars' worth of real and personal property and ninety cents on the poll; said tax to be levied whenever said mayor and board of aldermen shall deem the same necessary.

Amount of issue to be voted on specified in notice of election.

Sec. 6. That in ordering any election to approve or disapprove any issue of bonds as aforesaid, said mayor and board of aldermen shall fix the amount of the issue of said bonds, and shall specify the same in the advertisement and notice of said election hitherto provided for in this act; and said mayor and board of aldermen shall specify the time at which said bonds shall be due and payable, which shall not exceed forty years from the date of issue of said bonds.

Maturity.

Sale to highest bidder not below par.

Sec. 7. Said bonds shall be sold to the highest bidder, for not less than par value, after thirty days' notice by said mayor and board of aldermen in such periodical or periodicals, newspaper or newspapers, as they may consider most likely to facilitate the advantageous sale of said bonds.

Successive elections.

Sec. 8. Said mayor and board of aldermen shall have power to order elections from time to time for the issue of bonds as aforesaid, until such bonds shall have been issued to an amount, in the aggregate, of fifty thousand dollars.

Lenoir college included in city.

Sec. 9. That the corporate limits of the city of Hickory are hereby extended on the east side so as to include within the limits of the said city what is known as Lenoir College grounds and campus and all buildings thereon, and over this territory the authorities of the city of Hickory shall exercise the same authority as over her other territory.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 223.

AN ACT TO AUTHORIZE THE MAYOR AND BOARD OF ALDERMEN OF HICKORY TO ISSUE BONDS TO PAY OFF A DEBT CONTRACTED FOR SEWERAGE EXTENSION.

The General Assembly of North Carolina do enact:

Section 1. That whereas, the amount of bonds hitherto issued by the Mayor and Board of Aldermen of the City of Hickory, under and by virtue of chapter one hundred and seventy-one, Private Laws one thousand nine hundred and one, for the construction of a system of sewerage in said city, has proved inadequate to the completion of said system; and whereas, the completion of the same was a necessary expense to preserve the health and safety of the inhabitants of said city; and whereas, said mayor and board of aldermen have have been compelled to borrow the sum of eleven thousand dollars in order to complete the same: Preamble.

Sec. 2. Said mayor and board of aldermen are hereby authorized and empowered to issue coupon bonds in an amount not exceeding the sum of eleven thousand dollars, the proceeds of which bonds when sold, as hereinafter provided, shall be applied to the payment of the sum borrowed, as aforesaid, to complete said system and lawful interest now due or hereafter to become due thereon. Said bonds shall be in denominations of not more than one thousand nor less than fifty dollars, and shall draw interest at the rate of six per cent. from date of issue, and shall be payable in said city semi-annually, to-wit: On the first day of May and on the first day of November until said bonds shall be fully paid off and discharged. The said bonds shall become due and payable ten years from date of issue, and shall be signed by the mayor and the secretary and treasurer of said city, and shall bear the common seal of the said city. Bond issue authorized. Amount. Application of proceeds. Denominations. Interest. Maturity. How bonds authenticated.

Sec. 3. Said bonds shall be sold to the highest bidder, after thirty days' advertisement in such newspaper or newspapers as the mayor and said board of said city shall choose as most likely to facilitate the sale of said bonds to the best advantage; and none of said bonds shall be sold for a sum less than their face value. Bonds sold to highest bidder. Not to be sold below par.

Sec. 4. The mayor and board of aldermen are empowered, whenever it shall be necessary so to do for the satisfaction and payment of the principal or interest of said bonds, to levy a special tax each year upon all subjects of taxation upon which said mayor and board now have or upon which they shall have thereafter power to levy a tax according to law. Said special tax shall be used to create a sinking fund for the payment of the principal and interest of said bonds, and shall in no case exceed fifteen cents on Special tax. Rate.

the hundred dollars' worth of real and personal property and forty-five cents on the poll.

Sec. 5. That all acts and clauses of acts in conflict with the provisions of this law are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 224.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF MURPHEY, IN CHEROKEE COUNTY, TO ISSUE BONDS FOR WATER-WORKS AND SEWERAGE.

Preamble.

Whereas, at an election held in and for the town of Murphey on the twenty-eighth day of August, one thousand nine hundred and six, the duly qualified voters of said town authorized the board of commissioners thereof to issue bonds to the amount of forty thousand dollars for water-works and sewerage: now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Maturity.

Interest.

Section 1. That the Board of Commissioners of the Town of Murphey are hereby authorized and empowered to issue, from time to time, to an amount not exceeding forty thousand dollars, bonds in the name of the town of Murphey, in such denominations and form, and payable thirty years after date, and bearing interest at no greater rate than six per cent. per annum, payable annually or semi-annually, as said board of commissioners may determine.

Bonds not to be sold below par.

Application of proceeds.

Sec. 2. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than their par value; and that the money arising from the sale of said bonds shall be used for the erection, maintenance and establishment of a system of water-works, sewerage and necessary adjuncts in and for the town of Murphey.

Receivable for town taxes.

Sec. 3. That said bonds and their coupons shall be receivable in payment of town taxes for any fiscal year in which they fall due or thereafter; and if the holder of any of said bonds shall fail to present same at the time and place named therein for payment, he shall not be entitled to more than ten days' interest thereon for the time said bonds shall have been outstanding after maturity.

Special tax for interest.

Sec. 4. That the coupons annexed to said bonds shall represent the interest, and for the purpose of paying off, taking up and cancelling said coupons on any or all of said bonds as the same

shall become due and payable, it shall become and be the duty of the board of commissioners of said town, and they are hereby empowered to levy and collect a sufficient special tax upon all subjects of taxation under the charter of said town and all amendments thereto for the payment of the interest on the same. And said taxes, when collected, shall at all times be kept separate from other taxes levied and collected in and for said town.

Record of bonds.

Sec. 5. That said bonds shall be issued under and by direction of the Board of Commissioners of the Town of Murphey, a record of which shall be made and kept by the clerk thereof; and said bonds and the coupons thereon shall be dated, numbered and signed by the mayor, and sealed with the corporate seal and countersigned by the town treasurer, who shall receive the money derived from the sale thereof. It shall be the duty of said treasurer and of the mayor each to keep a book suitable for the purpose wherein they shall enter the number of the bonds sold, the amount and date thereof, and to whom issued or sold; and in addition, the treasurer shall enter in the book kept by him the amount of bonds and coupons cancelled by him, the numbers and dates thereof, and from whom received and when cancelled; and for the faithful performance of his duties under this act, and the proper disbursement of the moneys received by him under the same, the treasurer shall give bond, with good and sufficient sureties, in an amount and form as may be prescribed by the board of commissioners of said town.

How authenticated.

Mayor and treasurer to keep record.

Bond of treasurer.

Easements for water-works.

Sec. 6. That the said board of commissioners may acquire by gift or grant lands or easements thereof, or rights-of-way over the same, or the right to use springs, branches or other water courses for the purpose of erecting, operating and maintaining water-works, sewers, etc., or for conducting water to or conveying sewerage from said town.

Condemnation of land.

Sec. 7. If the said board of commissioners cannot agree with the owners upon a price for the lands or any of the rights named in the preceding section, they shall have the right to have the same condemned and compensation therefor assessed and fixed, by filing a petition before the clerk of the Superior Court of Cherokee County against the owners of such land, setting forth the facts necessary and proper to be set out, specifying what land is desired as accurately as can reasonably be done, or what easements, and proceeding as provided in the Revisal of one thousand nine hundred and five, chapter sixty-one, section two thousand five hundred and seventy-five to two thousand five hundred and ninety-six, both inclusive. And in such proceeding there shall be no appeal from any interlocutory order or judgment, and if the land or right demanded and required shall be condemned, no appeal shall stay further proceedings for establishing said water-works or sewerage, upon payment or deposit with the clerk of the Superior Court of the sum fixed as the value

Procedure for fixing value.

Appeal not to stay.

Final judgment and payment to have force of deed.

of the land or rights demanded. The final judgment rendered by the court, if it shall condemn lands or other rights, shall, on payment of the compensation fixed, either to the parties or into court for them, have the force and effect of a deed or grant for an easement only in conveying to or vesting said lands or rights in the board of commissioners of said town.

Erection of waterworks.

Sec. 8. That the board of commissioners of said town of Murphey is hereby authorized and empowered to provide a suitable water supply for said town, either by erecting waterworks and a system of sewerage or by contracting with other persons or corporations to erect and provide the same, and to make such other public improvements of like character as the health of the citizens and safety of property in said town may require.

Contracts for water supply.

Watershed.

Sec. 9. That said board of commissioners of said town may acquire and hold a sufficient watershed for a water supply for said town; and if same cannot be had by agreement with the owner or owners, it may be condemned, as provided in section seven of this act.

Sec. 10. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 225.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF BELHAVEN, BEAUFORT COUNTY, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Issue authorized.

Section 1. That the Board of Aldermen of the Town of Belhaven is hereby authorized and empowered to issue bonds to

Amount.

an amount not exceeding twenty thousand dollars, in the name of said town, in such denominations and form as the said board

Objects of issue.

of aldermen may determine, with which to put off the outstanding indebtedness of said town; also to purchase a site or otherwise secure and maintain, build and equip a town hall; also to construct, build and maintain a public dock; also to construct, build, make and repair the streets and sidewalks of the said town; also to purchase and maintain all the necessary equipment for a well-organized fire department, and such other improvements as the board of aldermen may deem expedient and necessary.

Maturity.

Sec. 2. That said bonds shall be made payable at such place and time as may be determined upon by said board of aldermen,

but the time of payment of principal of said bonds shall be fixed at not less than twenty years nor more than thirty.

Interest.

Sec. 3. That said bonds shall bear interest at not more than five per centum per annum, and the interest shall be made payable semi-annually; said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. The said bonds shall be signed by the mayor, attested by the clerk of the board of aldermen, and sealed with the corporate seal of the said town of Belhaven; and shall have attached interest coupons, which coupons may be received in payment of town taxes. That said bonds and coupons shall be numbered, and a record kept of the same. That the said bonds and coupons shall not be subject to taxation by the town of Belhaven, nor the Belhaven Graded School District. The Board of Aldermen of the Town of Belhaven are hereby authorized to sell, or cause to be sold, the said bonds, or any number of them, at public or private sale; and all money arising from such sale or sales shall be paid over to the treasurer of said town; and the said treasurer and the sureties on his official bond shall be liable for said money to the same extent as for moneys belonging to said town which come into his hands; and the board of aldermen may at any time require the bond of the treasurer to be increased, so as to secure such amounts as may come into his hands from time to time.

Bonds not to be sold below par.
How bonds authenticated.
Coupons receivable for town taxes.
Record of bonds.
Exemption from taxation.
Sale of bonds.
Bond of treasurer.

Sec. 4. That said bonds shall not be issued until authorized by a majority of the votes cast by the registered voters of said town at a public election, to be held at such time and place as the board of aldermen shall appoint; at which election those favoring the issue of bonds shall vote "For Issue of Bonds," and those opposing it shall vote "Against Issue of Bonds"; and it shall be the duty of said board of aldermen to give notice of the time, place and purpose of such election for thirty days in some newspaper published in the county of Beaufort; that said election shall be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as other elections are held in said town.

Issue to be authorized by voters.
Ballots.
Notice of election.
Law governing elections.

Sec. 5. If the power hereby conferred and hereinbefore provided shall be exercised and a majority of the votes cast by the registered voters in said town shall vote to issue said bonds, then the said board of aldermen shall issue said bonds.

Bonds to be issued.

Sec. 6. If a majority of the votes cast by the registered voters of the town of Belhaven voting in the special election set forth in section four of this act shall not be in favor of the issue of bonds herein provided for at the first election, the board of aldermen, at any time thereafter, and not oftener than once in each twelve months, as they may deem fit, and of their own motion, [may] again submit the same question to a vote of the qualified voters of said town, on the same notice and terms as are required for said first election; and if a majority of the votes

Successive elections.

cast by the qualified voters shall be in favor of the issue of said bonds, then this act and all its provisions shall be and remain in full force and effect; and the said board of aldermen shall take the steps provided in this act for carrying out the provisions of this act.

Special tax for sinking fund and interest.

Sec. 7. That for the purpose of a sinking fund and of paying said coupons as the same shall become due, it shall be the duty of the said board of aldermen, and they are hereby empowered so to do, to levy and collect a sufficient special tax each and every year upon all subjects of taxation which may now and hereafter be embraced in the subjects of taxation under the charter of the said town; which taxes so collected shall be used for no other purpose, and shall be kept separate from all other taxes; and it shall be the duty of the said town treasurer, as the said coupons are paid off and taken up, to cancel the same; and he shall report not less than twice a year to the board of aldermen the number and amount of coupons so cancelled.

Sec. 8. That this act shall take effect and be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 226.

AN ACT TO ESTABLISH A GRADED SCHOOL IN MADISON DISTRICT, ROCKINGHAM COUNTY.

Preamble.

Whereas, on the eleventh day of July, one thousand nine hundred and six, there was held an election in the town of Madison, North Carolina, to determine whether or not the territory comprised in the district as set out below would authorize the county commissioners to levy and collect a special tax on all property situated in said district, the said tax at no time less than fifteen (15) cents on the one hundred dollars ($100) valuation nor more than thirty (30) cents on the one hundred dollars ($100) valuation, and not less than forty-five (45) cents nor more than ninety (90) cents on each poll; and whereas, the qualified voters at the aforesaid election voted in favor of said measure, and returns of said election were duly certified to the proper authorities, and the result declared in accordance therewith and as provided by law: now, therefore,

The General Assembly of North Carolina do enact:

Public graded school district established.

Name.

Section 1. That the territory described and included in the boundaries as set forth in section two of this act shall be and is hereby constituted a public graded school district, to be called the Madison Graded School District.

Sec. 2. That the Madison Graded School District shall comprise the following territory: Beginning at the Mayodan corporation line —South,—on Mayo River, running west with said line one hundred (100) feet west of Norfolk and Western Railway track; thence south parallel with said railway to J. M. Gallaway's line; thence west with said line to R. A. McGehee's corner or line; thence west with said line to the Madison-Mayodan road, at or near the corporation line of Madison; thence south with said road to Virg. Settle's line; thence east with said Settle's line, on the east of the Tidball line; thence south with said line to the Goolsby-Carter corner; thence west with the old Carter line and on west to Madison-Mayodan road, on line of Lewellyn and McGehee; thence south with said road to a cedar, on line of J. A. Roach; thence west with the Gallaway-Trogden-Smith line to old road, known as Wilson Street; thence south with said street to J. S. King's corner; thence west to Madison corporation line; thence south with said line to Hunter Street; thence west to McGehee's line; thence northerly and easterly to Wilson Street, or old road; thence with said street and Madison-Mayodan road to Abe Man's line; thence west with said line to Black's line; thence north and east with said line and Gallaway's line to the Madison-Ayersville-Prestonville road; thence northwesterly with said road to George Chafin's line; thence west to the Black line; thence north and east with said line to the Madison-Prestonville road; thence east with said road to the Madison-Ayersville road; thence with said road to J. P. Lewis' line, near the foot of the mountain; thence east with said line on throughout his eastern boundary north to the road leading from Hardin Hall to C. P. Young's; thence with said road to Big Beaver Island Creek; thence south with said creek to the road leading to L. T. Highfill's, to Cases' old school-house site; thence with said road to Madison-Prestonville road at the old school-house site; thence northwest with said Madison-Prestonville road to the Stokes County line; thence south with said line to Dan River; thence northeasterly with said river to a point west of D. W. Busick's south line, on the old Lindsey place; thence southerly with said line to the creek; thence northeasterly with said creek to the ford east of the W. R. Lindsey place; thence east with the road to the northern boundary of the Hopper place; thence easterly with the Hopper line to one hundred feet east of the Southern Railroad; thence parallel with said road to the P. B. Neal's north line; thence with said line to Hogan's Creek, across to the McMichael and Wilson line; thence with said McMichael and Wilson line south and easterly to the A. F. Neal and Fleming Goolsby line; thence with said Neal and Goolsby easterly lines to North Hogan's Creek, to Knght's line; thence with said Knight's southern

Boundary.

line and Goolsby's northern line to A. F. Neal's and J. F. Ware's line, between Knight and Ware, to R. C. Goolsby's southern line to the Stokesdale-Madison road; thence with said road, and on the Madison road, to the Pratt and Jones line; thence with said line eastward to B. F. Robertson's line; thence with said line to the Wentworth road; thence with said road to W. C. Jones' and G. W. Martin's line, and with said line to the New Bethel road, and with said road to Hogan's Creek bridge, near Oliver's; thence with said Hogan's Creek to Dan River; thence easterly across the river to the Lindsey line on the north bank of the river; thence with this line to a point two hundred feet beyond the survey of the old Virginia Midland Railway; thence parallel with said survey or road westerly to Fallen's easterly line; thence northerly with said line, and with Lauten's eastern line, to the Madison road; thence westerly with said road to the Mayodan-Wentworth road, and with this road to the old Mayo Ford road to the old Mayo Ford, and crossing the river at said ford; thence with the river to the beginning.

Number of committeemen.

Name of committeemen.

Terms.

Sec. 3. That the Graded School Committee of the Madison Graded School District shall consist of six members, instead of three, as now required by the general school law; that A. F. Neal, L. T. Highfill, H. J. Penn, T. R. Pratt, Nat M. Pickett and J. O. Ragsdale shall constitute said committee; and that the term of office of A. F. Neal and L. T. Highfill shall expire on the second Monday of July, one thousand nine hundred and nine, and that the term of office of H. J. Penn and T. R. Pratt shall expire on the second Monday of July, one thousand nine hundred and eleven, and that the term of office of Nat. M. Pickett and J. O. Ragsdale shall expire on the second Monday of July, one thousand nine hundred and thirteen; and when the terms of the members of said committee, as above provided, shall expire, their successors shall be elected for a term of five (5) years, by the County Board of Education of Rockingham County. Whenever any vacancy shall occur in said committee, otherwise than by expiration of office, the vacancy for the unexpired term of the member or members shall be filled by said committee.

Election and term of successors.

Vacancies.

Duties of school committee.

School census.

Sec. 4. That the school committee provided for by this act shall have exclusive control of the public school interests, funds and property in the graded school district as hereinbefore provided; shall prescribe rules and regulations for their own government, not inconsistent with law; shall fix the compensation of the officers and teachers of said graded school annually, who shall also be subject to removal by said committee. Said committee shall make an accurate census of the school population of said district, as required by the general laws of said State, and do all other acts that may be lawful and to the proper interest of the general school within said district: *Provided*, all children

Proviso: free tuition.

resident in said district, between the ages of six (6) and twenty-one (21) years, shall be admitted into school free of tuition charges.

Principal of school.

Sec. 5. That the school committee created by this act shall elect annually a principal of the school, and the said principal shall examine all applicants for positions of teachers in said school, and shall do and perform such other duties as may be prescribed by said committee.

School tax.

Rates.

Sec. 6. That it shall be the duty of the Board of County Commissioners of Rockingham County to levy annually a tax of not less than fifteen (15) cents nor more than thirty (30) cents on the one hundred dollars ($100) valuation of property in said school district, and not less than forty-five (45) cents nor more than ninety (90) cents on each poll in said district, for the support and maintenance of the public graded school in said district; the amount to be levied each year by said county commissioners is to be determined by the graded school committee, and the amount so determined and certified by said committee shall be levied by the said board of county commissioners; and the tax so levied shall be collected by the Sheriff of Rockingham County, and accounted for by him as other taxes are, and shall be turned over to the said graded school committee.

Amount of levy determined by school committee.

Apportionment from general funds.

Sec. 7. That the moneys which shall from time to time be apportioned under the general school laws of the State to the above described school district shall be turned over by the Treasurer of Rockingham County to the treasurer of said school committee, for the benefit of said graded school district.

School treasurer.

Sec. 8. That the said school committee shall elect one of their members as treasurer, whose receipts for such moneys shall constitute a sufficient voucher in the hands of any person paying the same; and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid, and all other moneys coming into his hands, shall be held by the treasurer of said committee, said fund to be disposed of under the direction of the aforesaid committee, whose warrants, when signed by the chairman and countersigned by the secretary, shall only be valid vouchers in the hands of said treasurer for disbursement of said money, in any settlement required of him by law. The said treasurer shall furnish annually, on the first Monday in July, to the county board of education a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the said school committee: *Provided*, the account books and vouchers of the said treasurer shall be open for the inspection of said school committee at any time.

Treasurer to report monthly.

Warrants for school money.

Annual statements.

Proviso: books open for public inspection.

School committee to report annually.

Sec. 9. That the said school committee shall make annually to the county board of education, at such times as required un-

der the school law of the State, a report containing an accurate census of the school population of the said district, showing the work done under their direction in the said district on account of public schools therein, a copy of which report shall be forwarded to the Superintendent of Public Instruction of the State, and a copy to the superintendent in the county of Rockingham.

School session. The school of said district shall commence on the first Monday in September of each year, and continue not later than May thirty-first.

School committee incorporated. Corporate name. Corporate powers.

Sec. 10. That the school committee hereby created shall be a body corporate by the name and style of Madison Graded School, and by that name it shall be capable of receiving gifts and grants and of making purchases and holding real estate and personal property; of selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. All conveyances of said school committee shall be made for their successors in office, and deeds and other matters affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee.

Apportionment per capita.

Sec. 11. That in apportioning the school fund of said county, said school district shall be allowed the proportion of said fund due *per capita*.

Sec. 12. That all laws and parts of laws inconsistent with this law are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 227.

AN ACT TO INCORPORATE THE VIRGINIA AND EASTERN CAROLINA RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That W. H. Alexander, M. C. Woods, J. M. Turner, their associates, successors and assigns are hereby created a body politic and corporate, with perpetual succession, under the

Corporate name. name and style of The Virginia and Eastern Carolina Railroad

Corporate powers. Company, and under that name may sue and be sued in any court of the State of North Carolina or elsewhere; may have and use a common seal; may acquire by purchase, gift, devise, lease or otherwise any real, personal or mixed estate, and lease or sell the same, as the interest of the company may require; may acquire, operate or lease any quarries, mines, forests, lumber

yards or furnaces, also steamships, docks, wharves, lighters, barges, tugs, steamboats and vessels; may lease, buy or construct telegraph and telephone lines along and near its right-of-way, and charge tolls, under such rules and regulations as are prescribed by the laws of this State; or, at the option of its board of directors, may lease or rent these privileges to other corporate bodies or persons; may build branch roads, not exceeding more than fifty miles each, from any point on its main line; may change the name of said company by a vote of a majority of its stockholders at a regular or special meeting, and may make all such by-laws for the government of said company as may be deemed proper and are not inconsistent with law. Branch roads.

Sec. 2. That the authorized capital of said company shall be one hundred and twenty-five thousand dollars, to be divided into shares of one hundred dollars each. That said capital stock may be subscribed for and paid in money, lands, mines, mineral property, materials, bonds, timber, labor, depot or terminal facilities, franchises, rights-of-way, water craft or otherwise, as may be agreed upon between the subscriber or subscribers and the said company. Capital stock. Payments of subscriptions.

Sec. 3. That books of subscription to the capital stock of said company shall be opened by the corporators, or a majority of them, acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe. That as soon as ten thousand dollars have been subscribed for *bona fide* to the capital stock, the said company shall be authorized to commence operations, and to exercise all the rights, powers, privileges and franchises granted by this act; and said corporators, or a majority of them, acting in person or by proxy, shall be authorized to call a meeting of the stockholders for the purpose of organization at such place or places as they may deem advisable, giving ten days' notice thereof in some newspaper published in Warren or Vance County, and at such meeting, and each annual meeting thereafter, a board of not less than seven directors shall be elected by the stockholders. That said board of directors shall hold office for one year, and until their successors are elected, and shall appoint a president, vice-president and such other officers, agents and employees as they may deem proper, and fix their duties, and may fill any vacancy occurring in the office of director, president, vice-president or other officer. Books of subscription. When business to begin. Meeting for organization. Directors. Term of office. President and other officers, agents and employees. Vacancies.

Sec. 4. That after the organization of said company the president and board of directors may again, from time to time, open books of subscription to the capital stock of said company, at such times and places and under such rules and regulations as they may prescribe. No stockholder shall be responsible for any amount greater than his unpaid subscription. Books of subscription re-opened. Stockholders not individually liable.

Power to construct, maintain and operate railroad. Termini and routes.

Sec. 5. That said company shall have the power to locate, construct and operate a railroad for the transportation of freight, passengers, mail and express from the Virginia line, either in the counties of Warren or Vance, North Carolina, thence in a southeasterly direction through the counties of Franklin or Nash, Johnston or Wilson, Wayne or Greene, Lenoir, Craven or Jones, or any of them, to reach tide-water in the eastern part of North Carolina, as shall be determined by said board of directors, and to build branch roads as above provided.

Powers and privileges under general law.

Sec. 6. That the said railroad company may build its railroad and branch roads as may be deemed most advantageons and expedient, and it shall have all the powers and privileges contained in volume one, chapter forty-nine, of The Code of North Carolina, and all of the acts of the General Assembly of North Carolina amendatory thereto.

Power to cross, intersect with or join other roads.

Sec. 7. That said company shall have the right to cross at grade or over or under, intersect, join or unite its railroad with any railroad now built or constructed, or which may hereafter be built or constructed within the State of North Carolina, at any point of its main line or branches, with the necessary turn-outs, sidings, switches and other conveniences, and, when necessary, to use the right-of-way of other roads, when the same is not occupied with tracks or buildings, and have the right to cross public highways, also streets in incorporated towns.

Power to use streets.

Power of condemnation of land.

Procedure for condemnation.

Sec. 8. That when any right-of-way may be required by the company for the purpose of constructing its railroad and branches, and for want of agreement for any cause it cannot be purchased from the owner, the same may be condemned in accordance with volume one, chapter forty-nine, of The Code of North Carolina, and all the acts of the General Assembly of North Carolina, amendatory thereof, to the extent of fifty feet on each side of the track of said railroad and branches, measuring from the center of same. And the company shall have the power to appropriate and condemn land in like manner for the building and erection thereon of depots, warehouses and shops and houses for servants and employees and other purposes, not exceeding five acres in any one lot or place.

Right to borrow money.

Sec. 9. That said company shall have the right to borrow money, when so authorized by its board of directors in general or special meetings assembled, and to issue coupon bonds at a rate of interest not exceeding five per cent., and to secure the payment of the same by mortgage or deed of trust or trust agreement with any bank, trust company or corporation, on its property, franchises and effects, or otherwise. And should said company issue second mortgage bonds, as hereafter provided, then, in that event, it shall not issue first mortgage bonds exceeding fifteen thousand dollars per mile of its main road and branches.

Limit to first mortgage bonds if second mortgage bonds issue.

Work to begin at any point of line.

Sec. 10. That the said company may begin work upon any point of its line, and upon the construction of any part or portion thereof may operate any such part or portion with all the rights, powers and maintain privileges hereby granted to this company. That it may, under purchase, lease, agreement or such running arrangement as it can make with any other railroad company, operate any railroad as a link between different portions of its own line.

Part of line may be operated.

May operate other roads.

Interchange of traffic.

Sec. 11. It shall be compulsory with the Virginia and Eastern Carolina Railroad and all other railroads with which it connects to interchange traffic in a prompt manner, to prorate on a mileage basis, unless by mutual arrangement with managers of railroads in North Carolina to make the divisions of rates otherwise on all business originating at or destined within the borders of the State, and routing orders of consignees by all transportation lines shall be respected. That all railroad companies shall switch cars to and from industries, loading or unloading tracks, warehouses and other places for handling freight, for each other, within any city limits or three miles from same, for not more than two dollars per loaded car; empty cars shall be handled free; and that no railroad company shall make a higher switching charge for one railroad than it does for another.

Switching charges.

Second mortgage bonds.

Sec. 12. That for the purpose of aiding in the construction of the Virginia and Eastern Carolina Railroad Company, the board of directors of said company shall have the power, in general or special meeting, to issue coupon bonds to an amount not exceeding four thousand dollars per mile upon said railroad and branch roads, bearing interest at five per cent., payable semi-annually; the principal of said bonds to be made payable fifty years from the date of issue; and to secure the payment of said bonds and interest by a second mortgage or deed of trust on its property, franchises, effects, or otherwise. That it shall be lawful for any county, township, city or town in or through which the said road or its branches may be located, or which may be interested in its construction, to subscribe to the said second mortgage bonds of said railroad company in such sums as a majority of the qualified electors of any such county, township, city or town may authorize, anything contained in the charter of any such city, town or other corporation to the contrary notwithstanding. That the said subscription shall be made in coupon bonds, bearing interest at five per cent., interest payable semi-annually, and the principal of said bonds to be due and payable fifty years from the time of issue, the said bonds to be received by said railroad at par, and upon receiving the same the said railroad company shall deliver to such counties, townships, cities or towns as shall subscribe a like amount of its second mortgage bonds in exchange therefor. All of said bonds to be in denominations of five hundred or one thousand dollars each.

Counties, townships, cities and towns may subscribe for such bonds.

Subscription made in bonds.

Denominations.

Election ordered on petition of taxpayers.

Sec. 13. That for the purpose of determining the amount of such subscription it shall be the duty of the county commissioners of any county in which the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, or of the board of aldermen or the board of commissioners or other municipal authorities of any city or town in or through any part of which the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, upon the written application of fifty taxpayers of any such county, or thirty in any township, city or town, specifying therein the amount to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No Subscription" to the second mortgage bonds of said railroad company. And said board of county commissioners, board of aldermen, board of commissioners or other municipal authorities of such city or town, as the case may be, shall order an election, specifying the time, place and purpose of the election, and shall provide for the holding of the same as is now provided for the holding of elections for members of the General Assembly, except as hereinafter provided for the said election in any city or town. That at said election ballots shall be provided upon which shall be printed the word "Subscription," and also ballots shall be provided upon which shall be printed or written the words "No Subscription"; and said board of county commissioners, board of aldermen or board of commissioners or other municipal authorities of such city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, shall give public notice of said election, not exceeding sixty days immediately prior thereto, in one or more newspapers published in the county in which such election is to be held, and if there is no newspaper published in such county, then in some newspaper published in the county nearest thereto, and also at the court-house door of such county, that such an election will be held upon the day therein named. That a new registration may be ordered in accordance with law by such board of county commissioners, board of aldermen, board of commissioners or other municipal authority, as the case may be, of the qualified voters of said county, township, city or town for the said election.

Question to be submitted.

Election to be ordered.

Ballots.

Notice of election.

New registration.

Law governing elections.

Sec. 14. That all elections under the preceding section shall be held, if for a county or township, according to the law and regulations provided for the election of members of the General Assembly, and if the election shall be for a county, the returns shall be made to and canvassed by the board of county commis-

County elections.

sioners, who shall ascertain and declare the result and make a record of the same. If the election shall be for a township, the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same, and ascertain and declare the result, and make a record of the same. If the election shall be for a city or town it shall be conducted as elections for municipal officers, and the mayor and aldermen or town commissioners, or other municipal authorities of such city or town, shall ascertain and declare the result, and make a record of the same. That in case a majority of all the qualified voters in such county, township, city or town, as the case may be, shall have voted for "Subscription," then the chairman of the board of county commissioners, in all cases of county or township elections and the mayor or other chief officer, in all cases of city or town election, shall within twenty days after the vote is ascertained subscribe to the second mortgage bonds of said railroad company in behalf of said county, township, city or town, as the case may be, the sum that may have been named in the said petition, which subscription shall be made in coupon bonds bearing interest at the rate of five per cent., payable semi-annually, and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon taxable property in such counties, townships, cities or towns.

Township elections.

City or town elections.

County or township subscriptions.

City subscriptions.

Sec. 15. That to provide for the interest of said bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or board of aldermen or board of commissioners or other municipal authorities aforesaid, subscribing shall, in addition to other taxes, each year compute and levy on all property of any such county, township, city or town as may make a subscription of bonds to the said second mortgage bonds, preserving the constitutional equation of taxation, a sufficient tax to pay such interest, and an additional tax sufficient to provide each year a sum equal to one-fiftieth part of the principal of the said bonds, for a sinking fund, which amount shall annually be collected as the other taxes are, and paid to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer, as commissioner of sinking fund, and by him invested in said bonds, which shall be cancelled by the county commissioners or the municipal authorities of the city or town, as the case may be; but in case said treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or about par value, he shall invest the same in solvent bonds or securities, as may be selected and approved by the county commissioners aforesaid, or the proper authorities of any city or town, as the case may be, subscribing to the second mortgage bonds of said railroad company.

Special taxes where subscriptions made.

Investments of sinking fund.

Townships incorporated.

Sec. 16. That for the purpose of this act, all the townships along the line of said railroad and its branches, or which are interested in its construction, are hereby declared bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any right or cause of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the township so incorporated and situated within the limits of the said counties respectively.

County commissioners corporate agents of townships.

Convict labor in construction of road.

Sec. 17. That the State, county and city convicts may be used in the construction of said railroad and its branches, in such numbers and at such times as may be agreed upon by the proper authorities in charge of said convicts and by said railroad company, and the payment of same to be made in first or second mortgage bonds, or legal money of the United States, as is arranged by the proper authorities in charge of said convicts and the railroad company. The settlements for such labor shall be made monthly.

Monthly settlements.

Road not to be sold, leased or merged with competing road.

Sec. 18. The Virginia and Eastern Carolina Railroad Company shall not be sold, leased, merged or transferred to any other corporation that is now or may be hereafter constructed that is a competitor, during the period that the State or any county, township, city or town shall hold seventy-five per cent. of the second mortgage bonds of the said railroad company. Only a sufficient amount of the said five per cent. second mortgage bonds shall be issued in the construction, purchasing of equipment, securing of right-of-way, depot, shops and terminal facilities, for labor performed, and in exchange with the State of North Carolina for labor performed by convicts, and in exchange with the various counties, townships, cities and towns for bonds subscribed for, not to exceed four thousand dollars per mile of said railroad and its branches.

Limit of second mortgage bonds.

Work to commence within five years.

Sec. 19. That the construction of said railroad under this act of incorporation shall be commenced within five years after the ratification of this act.

Sec. 20. This act shall take effect and be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 228.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF HOT SPRINGS.

The General Assembly of North Carolina do enact:

Incorporation. Section 1. That the town of Hot Springs, in the county of Madison, be and the same is hereby incorporated by the name and style of the "Town of Hot Springs," and it shall have the benefit of and be subject to all the provisions of the Revisal of one thousand nine hundred and five of North Carolina in reference to incorporated towns, not inconsistent with this act.

Corporate name. Rights and privileges under general law.

Corporate limits. Sec. 2. That the corporate limits of the said town shall be as follows: Beginning on a large rock on the bank of French Broad River, and running a south course with the boundary line between M. J. Fagg and J. H. Rumbough to Deer Park road; thence east and with said road to the Colony Mill-dam on Spring Creek; thence a direct line to the boundary line between Thomas D. Johnson and J. H. Rumbough, to the river; thence down the river to a point opposite Lovers' Leap, and crossing the river at this point; and thence with the boundaries of the Brittain tract to the river; and thence with the meanderings of the river to the beginning.

Town officers. Sec. 3. That the officers of said town shall consist of one mayor and a board of three aldermen, to be elected in accordance with the general laws regulating elections in cities and towns, and such other officers as the said mayor and board of aldermen may appoint, under the general laws of North Carolina.

Present officers continued. Sec. 4. That the present mayor and board of aldermen or commissioners, elected at the last town election or since that time, shall hold office and be the officers of said town until their successors are elected and qualified, as provided for in the general law regulating elections in cities and towns.

Unlawful for live-stock to run at large. Sec. 5. That it shall be unlawful for any live-stock to run at large within the corporate limits of said town, and the said board of aldermen shall prescribe a penalty for the violation of this section, to be imposed upon the owner of such stock.

Laws specifically repealed. Sec. 6. That chapters two hundred and fifty-two (252) and two hundred and fifty-three (253) of the Private Laws of one thousand nine hundred and five, and section twelve (12) of chapter three hundred and fifty-eight (358) of the Public Laws of one thousand nine hundred and three be and the same are hereby repealed.

General repealing clause. Sec. 7. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 229.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BELMONT, IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That section one of chapter one hundred and seventy-eight of the Private Laws of one thousand nine hundred and three be and the same is hereby repealed, and the following inserted in lieu thereof: "The corporate limits of the said town of Belmont shall be as follows: Two-thirds (⅔) of a mile in every direction from the point where the macadamized public road crosses the main track of the Southern Railway Company (Atlanta and Charlotte Air Line Division), forming a circle with a diameter of one and one-third (1⅓) miles."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 230.

AN ACT TO INCORPORATE THE TOWN OF BROOKFORD, IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Brookford, in the county of Catawba, be and the same is hereby incorporated under the name

Corporate name.

and style of "Brookford"; that the said town shall be subject to

Governed by general law.

all provisions contained in chapter seventy-three (73) of the Revisal of one thousand nine hundred and five, and all the provisions of said chapter not inconsistent with the provisions of this act are hereby made a part of it.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a stake on the eastern margin of Henry's Fork of the South Fork River, in the center of the entrance to what is known as the "Old Rowe Ford," running thence an easterly direction to the large white-oak tree standing in the public road on the hill north of Avery Rowe's residence; thence a southeasterly direction to a stone at a point two hundred (200) feet east of the store building occupied by Sherrill & Co.; thence south to a stake on the northern margin of the river; thence up the river as it meanders to the beginning at the "Old Rowe Ford."

Town officers.

Sec. 3. That the officers of the said corporation shall be a mayor, three commissioners and such other officers and agents as

may be appointed by the board of commissioners to enforce their ordinances, keep their records, and otherwise aid in the conduct of the affairs of the town. That until Tuesday after the first Monday in May, one thousand nine hundred and seven, T. J. Leonard is appointed to the office of mayor of said town, and W. H. Shuford, J. W. Ballew and C. E. Cole are appointed commissioners thereof; that the said mayor and commissioners shall hold their offices until their successors are elected and qualified, as hereinafter provided. First officers named.

Sec. 4. That there shall be an election to the offices of mayor and commissioners of said town on Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, under the same restrictions and regulations under which State and county elections are held, and as provided by law for elections in cities and towns in North Carolina. Town elections.

Sec. 5. That this charter shall not be deemed to repeal any of the provisions of the charter of the Brookford Mills, incorporated, not inconsistent with the provisions of this act. Charter of Brookford Mills not repealed.

Sec. 6. That the citizens of said town shall be exempt from all services or duty upon public roads, except such service as may be required upon the streets of the town. Road service.

Sec. 7. That the mayor shall have authority to appoint special police officers whenever in his opinion the peace and safety of the town demand it. Special policemen.

Sec. 8. That it shall be the duty of the officers herein named, within thirty days after the ratification of this act, to take the proper oaths of office and enter upon their duties as such officers. Officers to qualify within thirty days.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1907.

CHAPTER 231.

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ISSUE BONDS FOR THE CONSTRUCTION AND ERECTION OF A SEWERAGE DISPOSAL PLANT, AND TO IMPROVE AND EXTEND THE SEWERAGE SYSTEM OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. That the aldermen of the city of Durham be and the same are hereby authorized to issue coupon bonds not to exceed in amount the sum of twenty-five thousand dollars, and in denominations of not less than twenty-five dollars nor more than one thousand dollars, bearing interest from date of bonds at Bond issue authorized. Amount. Denominations. Interest.

a rate not to exceed five per centum per annum, and payable semi-annually, on the first day of January and the first day of July of each year, until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by said aldermen and named therein, not to be less than five nor more than thirty years from date thereof: *Provided, however,* that the said aldermen of the city of Durham may divide said bonds into classes, as they may determine best, and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered, and the bonds shall be signed by the Mayor of the City of Durham and countersigned by the clerk of the board of aldermen of said city, and have the corporate seal of said city affixed thereto; and the coupons attached thereto shall bear the fac-simile signature of the mayor of said city, engraved or lithographed thereon; that a record shall be kept of the said bonds showing the numbers and denominations thereof, and to whom sold, the dates of issuing thereof, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of same, and the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the board of aldermen may direct to be kept.

Maturity.

Proviso: bonds may be classified.

How bonds authenticated.

Record of bonds.

Bonds not to be sold below par.

Not delivered before payment of purchase-money.

Sec. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the mayor of said city shall not deliver said bonds, or any of them, to the purchaser thereof until the purchase-money thereof shall be paid to the treasurer of said city, and his receipt to the purchaser produced before the mayor as evidence of such payment; and the treasurer of the city shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer of said city, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act, or as may be otherwise provided by the laws relating to the treasurer of said city of Durham; and it shall be the duty of the board of aldermen of the said city of Durham to see to it that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from his office as treasurer.

Funds to be kept separate.

Application of proceeds of bonds.

Sec. 3. That the Treasurer of the City of Durham shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended under the direction of the Board of Aldermen of the City of Durham, for the construction and erection of a sewerage disposal plant, and improve and extending the sewer-

age system of the city of Durham: *Provided, however,* this act shall be submitted to the qualified voters of the said city of Durham for their ratification or rejection, at an election to be held in said city at such a time as the aldermen may appoint, within two years from the ratification of this act. The said election shall be advertised by the said board of aldermen of the said city of Durham for thirty days prior to the day of election in one or more newspapers published in said city, and the said election shall be held under the supervision of inspectors and poll-holders or judges of election appointed by the said board of aldermen; and the returns of the result of said election be made and certified in like manner as all other elections in said city, and in like manner the returns of said election and the result thereof be canvassed by the said board of aldermen and the result declared. At the said election those who are in favor of issuing bonds shall vote "For Sewerage Bonds," and those who are opposed shall vote "No Sewerage Bonds," on written or printed ballots; that the number of the ballots cast for and against said bonds, and deposited in the ballot boxes provided for that purpose, shall be counted and the result of said election certified and returned to the said Board of Aldermen of the City of Durham, and the same, when canvassed and declared as aforesaid, shall be certified under the hands of the mayor of the said city and the said clerk of the said board of aldermen and the corporate seal of the said city of Durham to the Secretary of State, which said certificate of result of said election shall be filed by the Secretary of State in his office. If at said election a majority of the qualified voters of the city of Durham shall not vote "For Sewerage Bonds," then this act shall be thereafter of no force and effect; but if at said election a majority of the qualified voters of the city of Durham shall vote "For Sewerage Bonds," then the said board of aldermen shall proceed at once to issue and sell said bonds, or so many thereof as shall be necessary, in the judgment and discretion of said body corporate, for purposes aforesaid.

Proviso: ratification or rejection of act to be voted on.

Notice of election.

Law governing election.

Ballots.

Count and return of vote.

Result certified to secretary of State.

Act rejected.

Bonds to be issued.

Sec. 4. In order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the Board of Aldermen of the City of Durham shall levy and collect a special tax of not exceeding one cent on every hundred dollars' worth of taxable property in the said city, or such other special taxes as may be necessary for that purpose; and the money paid into the city treasury, received from the taxes under this act, shall be appropriated for the payment of said bonds and coupons, and for no other purpose whatsoever: *Provided,* all moneys remaining in the treasury belonging to said fund, after all the aforesaid bonds and coupons shall have been redeemed, may then be transferred by order of said body corporate to the general funds of said city of Durham.

Special tax for interest and sinking fund.

Rate.

Appropriation of tax.

Proviso: surplus carried to general fund.

Trustee of sinking fund.

Sec. 5. The Board of Aldermen of the City of Durham may, if in their opinion at any time it becomes necessary or advisable, appoint a trustee, whose duty it shall be to receive from the Tax Collector of the City of Durham all taxes collected under this act for the purpose of paying the interest on said bonds and creating a sinking fund to pay the principal of said bonds at maturity; and the said board of aldermen may prescribe the duty of said trustee, fix the amount of his compensation and the bond for the faithful performance of duty on his part. It shall be the duty of the said trustee to invest or lend the money coming into his hands for the purpose of creating a sinking fund in safe securities and upon real estate situated in the city of Durham: *Provided, however*, that no such investment or loan shall be made without the consent and approval of said body corporate hereinbefore referred to.

Duty, pay and bond of trustee.

Investment of sinking fund.

Commission of treasurer.

Sec. 6. The Treasurer of the City of Durham shall be allowed in full payment for his services a commission not exceeding one-fourth of one per centum of the amount disbursed under this act, arising from the sale of said bonds, but shall not be allowed anything for receiving the same from the city tax collector.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 232.

AN ACT TO ESTABLISH THE IOTLA GRADED SCHOOL DISTRICT, IN MACON COUNTY, AND PROVIDE FOR THE RUNNING AND MAINTENANCE OF A GRADED SCHOOL THEREIN.

The General Assembly of North Carolina do enact:

Territory constituted graded school district.

Boundary.

Section 1. That all the territory included in the Iotla High School District Number Two, in Macon County, and more particularly described as follows: Beginning at the Tennessee River, near the Thomas Shepherd place, and running with the southeast boundary line to the Lyle Knob; then with the divide between Cowee and Mason Branch to the Big Rocks at the upper end of Mrs. Bryson's field; then crossing the Tennessee River, and down the river to the lower end of Thomas Downs' field; then a southwest course to N. L. Barnard's line, and with his outside line around to the road near W. R. Fout's; then with said Barnard's line to Lack Barnard's; then running so as to include all the territory in the Double Branch District to the beginning,

shall be and the same is hereby constituted a graded school district, to be known as the Iotla Graded School District. Name.

Sec. 2. That the Commissioners of Macon County, upon the petition of one-third of the freeholders of said district, endorsed by a majority of the board of trustees, hereinafter provided for, for said graded school district, shall cause an election to be held at the Iotla graded or high school building at a time, notice of which time and place shall be published in some newspaper published in Macon County, and posted at three public places in said district for twenty days prior to the holding of said election; and submit to the qualified voters of said district the question of whether or not an annual tax shall be levied for the support of public or graded schools in said Iotla Graded School District, above referred to and mentioned. The election under this act shall be held under the same rules and regulations that govern the election of members of the General Assembly, by a registrar and two judges appointed by the Board of County Commissioners of Macon County; said registrar and judges to be qualified voters of said district. The registrar shall make an entirely new registration of the voters of the district for the purposes of this act, and, together with the judges above provided for, shall hold the election herein provided for, under the rules and regulations provided by law for the election of members of the General Assembly, at the time and place designated in the notice of such election. And all those favoring the levy and collection of such tax shall vote a written or printed ballot, without device, with the words "For Schools" upon it; and all those who are opposed to the levying and collection of such tax shall vote a written or printed ballot, without device, with the words "Against Schools" upon it. The penalty for illegal and fraudulent voting shall be the same as in general elections. And upon the conclusion of such election the registrar and judges shall canvass and judicially determine the result, and shall certify to the board of county commissioners the number of votes cast for schools and the number of votes cast against schools, together with the number of voters in said district, as shown by the registration books. Cost of election to be paid out of funds of the district.

County commissioners on petition to order election.

Notice of election.

Question to be submitted.

Law governing election.

New registration.

Ballots.

Registrar and judges to canvass and determine result. Certificate.

Sec. 3. That if a majority of the qualified voters of said district shall vote for schools the said tax shall be levied by the county commissioners, and collected by the tax collector of the county in said graded school district, under the same rules and regulations under which other taxes are levied and collected. And the said tax collector shall be subject to the same liabilities and penalties, for the collection and disbursement of said taxes, as he is for other school taxes of the county; and shall receive as compensation for such services two per centum commission:

Tax levied if school voted for.

Commission of tax collector.

Proviso: tax rate.

Provided, that the special tax so levied and collected under this act, shall not exceed thirty cents on the one hundred dollars valuation of property, and ninety cents on the poll; and the said tax collector or county treasurer shall pay the amount so collected under this act to the treasurer of the board of trustees for the benefit of the graded school of said district, as hereinafter provided for. But if a majority of the qualified voters of said district shall vote against schools, then and in that event no special tax for the support of the graded school in said district shall be levied or collected, unless ordered by a future election, which may be held under the same rules and regulations as the first election under this act: *Provided*, that no new election for this purpose shall be held in said district, until after the expiration of six months from the time of holding the previous election: *Provided further*, that in the event of a new election in said district for the purpose of submitting to the qualified voters thereof the question of levying and collecting a special tax for the support of the graded school in said district, and a majority of the qualified voters of the same voting for schools, then the tax herein provided for shall be levied, collected and applied according to the provisions of this act, the same as if no other or former election had been held.

Successive elections.

Proviso: no new election within six months.

Proviso: tax levied if voted for at subsequent election.

Trustees and terms of office.

Sec. 4. That the following named persons shall constitute the board of trustees for said graded school district, to-wit: John Ramsey, for a term of one year; James L. Poindexter, for a term of two years; Robert V. Williams, for a term of three years; W. A. Ramsey for a term of four years, and Norman L. Barnard, for a term of five years. That the successor of each member of the board of trustees shall be elected by the County Board of Education for Macon County for a term of two years; and all vacancies in the board of trustees caused by death, resignation or removal shall be filled by the remaining members of the board, for the unexpired term of the trustee or trustees whose office may become vacant.

Election of successors.

Vacancies.

Organization.

Sec. 5. The board of trustees shall organize by electing a chairman, secretary and treasurer; the secretary and treasurer may be one person; he shall hold his office for a term of two years, and shall give a good and sufficient bond in the sum of two thousand dollars to be approved and accepted by the board of trustees; and the same shall be filed and recorded as other official bonds, and may be increased, if so demanded by the board of trustees. They shall keep a record of their proceedings, the receipts and disbursements of all funds belonging to the graded school district; and shall take an accurate census of the children within the school age living in the district, and report the same to the county superintendent of schools, as required by the general school law. They shall have power to elect, employ and fix

Term of secretary and treasurer. Bond.

Records.

School census.

Superintendent and teachers.

the compensation of a superintendent or principal and such other teachers as shall be deemed necessary for the conduct and management of said graded school. And with the aid of the superintendent, may examine the applicants for positions as teachers, and pass upon their qualifications; and do and perform any and all other acts necessary to be done in managing and maintaining the graded school of the district: *Provided*, that if the superintendent above provided for be not elected by the board of trustees, then the superintendent of schools for the county, under the general school law, may be *ex officio* superintendent of said graded school, as he is for other public schools in the county.

Proviso: superintendent ex-officio if none elected.

Sec. 6. That the board of trustees and their successors in office shall be and they are hereby constituted a body corporate by the name and style of The Board of Iotla Graded School Trustees, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or otherwise real and personal property, hold and exchange, mortgage and sell the same for the benefit of said graded school. And all moneys received from all these sources, and all money from the State and county public school fund, which may from time to time be collected and apportioned under the general school law for general school purposes for the children of the district, together with all money to which the district may be entitled under this act, by reason of the special tax herein provided for, shall from time to time be paid over to the treasurer of the board of trustees, to be applied in keeping, running and maintaining the graded school in said Iotla Graded School District; the same to be expended and disposed of under the direction of the said board of trustees, whose warrants, signed by the chairman and two other members, shall be the only valid vouchers in the hands of the treasurer for the disbursement of said money, in any settlement required of him by law.

Trustees incorporated.

Corporate name.

Corporate powers.

School funds.

School warrants.

Sec. 7. That the property of the public schools of said district shall become the property of said graded school district, and shall be vested in the board of trustees in trust for said graded school: *Provided*, that in the event of the discontinuance of said graded school, then all the property thereto belonging shall revert to and become the property of the public school of the Iotla High School District Number Two as now constituted.

Property vested in trustees.

Proviso: property to revert on discontinuance of school.

Sec. 8. That the board of graded school trustees shall have exclusive control of all the school interests and property in said graded school district. They shall establish, run, operate and maintain a graded public school at the Iotla graded or high school building, for white children and pupils; and they shall adopt, to be used in said school, the text-books recommended by the State Board of Education, together with such other text-books as said board of trustees shall deem necessary for the best interests of said

Trustees to have exclusive control of schools.

Text books.

Rates of tuition. Proviso: free tuition. Non-resident pupils. Proviso: adequate accommodation.

graded school and pupils, and shall fix the rates of tuition to be paid for the same in all the grades: *Provided*, that children of the school age living in the district shall not be required to pay tuition during the public school term. They may admit pupils residing outside the limits of said district upon such terms as shall seem reasonable and just: *Provided*, there shall be accommodations more than adequate for all the pupils or children of school age, living within the limits of said graded school district.

Grades. Additional grades.

Sec. 9. The grades in said graded school shall run from one to ten (1 to 10), and additional grades may be established, or additional studies included in the established grades, whenever the board of trustees and the superintendent shall deem that the interests of the school and those of the pupils require the establishment of higher grades or studies. The graded school shall have graduating powers, and any student having completed the course prescribed in the regulations of said graded school, and passing a satisfactory examination in the studies pursued in all the grades shall be entitled to a diploma or certificate of graduation, to be signed by the chairman and secretary of the board of trustees and the superintendent and faculty of said graded school. And when the same is approved and countersigned by the county superintendent of schools, it shall be a sufficient license to teach in the public schools of the State, and in the county where so approved, for a term of two years.

Graduating powers. Diplomas. Diplomas license to teach.

Training department.

Sec. 10. That, for the purpose of elevating the standard of education and supplying the public schools with more efficient teachers, a high school or training department, to which advanced pupils, and those pledging and obligating themselves to become teachers, and public school teachers of Macon County may have access, shall be established in said graded school, in accordance with such laws as are or may be enacted establishing public high schools in this State.

Sec. 11. That all laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 233.

AN ACT TO ALLOW THE TOWN OF MADISON TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the Town of Madison is hereby authorized and empowered to issue bonds in the name of the town of Madison in such denominations and forms as it may determine, to an amount not exceeding twenty thousand dollars ($20,000), payable at such times and places as the board of aldermen may prescribe: *Provided*, that the time of payment of such bonds shall be not less than thirty (30) and not more than fifty (50) years from their date. Bond issue authorized. Denominations. Amount. Maturity.

Sec. 2. That the said bonds shall bear interest at no greater rate than six (6) per cent. per annum, and the interest shall be made payable annually or semi-annually, as the board of aldermen may prescribe; such bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Interest.

Sec. 3. The said bonds shall be signed by the mayor, attested by the clerk of the board of aldermen and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, which said bonds and their coupons shall be exempt from town taxation until they become due, and the coupons shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity, and the said coupons as they become due, it shall be the duty of the board of aldermen, and it is hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation, which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and in the manner and at the same time as other taxes are collected under said charter: *Provided*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid, shall be used for no other purpose, and it shall be the duty of the town treasurer as said coupons are paid off and taken up, to cancel the same and report, not less than twice a year, to the board of aldermen the numbers and amounts of the coupons so cancelled. How bonds authenticated. Exemption from taxation. Coupons receivable for town taxes. Special tax for bonds and interest. Proviso: appropriation of tax. Reports of town treasurer.

Sec. 4. That the board of aldermen shall not issue said bonds nor any of them, nor levy, nor collect said tax until it shall have been authorized and empowered so to do by the majority of the qualified voters of said town, at an election to be held at such time and place as said board shall appoint, of which notice shall be given for twenty (20) days in some newspaper published in said town; at said election those favoring the issue of said bonds as specified in the call of such election, and the levy and collection of the tax for the payment of said bonds and coupons, shall vote a ticket on which is printed "For Bond Issue," and Issue subject to approval of voters. Notice of election. Ballots.

those opposing it shall vote a ticket on which is printed "Against Bond Issue": *Provided*, that the board may in its discretion order a new registration of voters.

Proviso: new registration.

Application of proceeds of bonds.

Sec. 5. That the said bonds that are issued in accordance with the provisions of this act shall be used to light, grade, curb, macadamize, pave and improve the streets and sidewalks of the said town; that the bonds so issued shall be used for no other purpose than that specified above: *Provided*, that the purchaser of said bonds shall not be required to see to the application of the purchase money.

Proviso: purchaser not responsible for application.

Aldermen to supervise work.

Sec. 6. That the said board of aldermen shall have entire supervision and control of the work of lighting, grading, curbing, macadamizing, paving and improving the streets and sidewalks, and the expenditure of the money derived from the sale of the bonds provided for in this act.

Sec. 7. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2nd day of March, A. D. 1907.

CHAPTER 234.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF JONESBORO TO ISSUE BONDS TO PROVIDE FOR LIGHTING AND SUPPLYING SAID TOWN WITH WATER.

The General Assembly of North Carolina do enact:

Question of bond issue submitted to vote.

Section 1. That the Commissioners of the Town of Jonesboro shall have authority to submit to the qualified voters of the said town, at an election to be ordered by them, the question of issuing bonds to the amount of fifteen thousand dollars to provide a fund for the purpose of lighting the town and supplying the citizens thereof with water.

Amount to be voted on.
Purpose of lighting.

Order for election authorized.

Sec. 2. That on the second Monday in February, one thousand nine hundred and seven, at the regular session of the said commissioners or at any time thereafter they may order an election to be held in said town for said purpose, and shall appoint a registrar and two judges of election, who shall advertise the said election immediately after their appointment, and registration of the qualified voters of the said town shall be had in the manner prescribed in the charter of the said town for the election of officers thereof; and the election shall be held on the first Monday in May, one thousand nine hundred and seven, in the manner prescribed in said charter for the election of mayor and commissioners of said town, and the result thereof canvassed and returns made in accordance with said charter of the said town.

Appointment of election officers.
Notice of election.
Registration.

Date for election.

Law governing election.

Sec. 3. That at said election those favoring the issue of bonds shall vote a ballot on which shall be printed or written the words "For Bonds," and those not favoring the issue of the said bonds shall vote a ballot on which shall be printed or written the words "Against Bonds." Ballots.

Sec. 4. If the majority of the qualified voters of the said town shall vote "For Bonds," then the commissioners of said town shall have authority to issue bonds to the amount of fifteen thousand dollars for the purposes aforesaid in denominations of five hundred dollars each, which bonds shall state on their face the purpose for which they are issued and shall be signed by the mayor and countersigned by the clerk of the board of commissioners of said town. The bonds shall be due and payable thirty years after date and shall bear interest from date, payable annually, at six per centum per annum: *Provided*, that the said bonds shall not be sold for less than their face value. Bonds may be issued if voted for. Denominations. How bonds authenticated. Maturity. Interest. Proviso: bonds not to be sold below par.

Sec. 5. That the board of commissioners of the said town, at the time at which it levies the annual tax for other purposes, shall levy a special tax of not more than ten cents on the poll or thirty cents on the one hundred dollars' worth of property to provide a fund for the payment of interest on the said bonds. Special tax for interest. Rate.

Sec. 6. That the said board of commissioners may directly, or through a committee appointed by it, contract for the construction and erection of the necessary plant for lighting and furnishing water to the said town. Work may be let to contract.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 235.

AN ACT TO AMEND THE AURORA GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Beginning at the mouth of Broom Field Run on South Creek, and running up said run with its ravine courses to W. R. Swain's east line and then northwardly to Swain's northeast corner and westwardly with Swain's and L. M. Broom's north line to the J. Pate southwest corner, and thence northwardly with Pate's west line to his northwest corner, and thence north with Pate's line extended to Whitehurst Creek run or swamp; thence eastwardly with Whitehurst Creek run to South Creek; thence up South Creek to the beginning. The above de- Boundary. Aurora graded school district.

scribed district shall constitute and be known as the Aurora Graded School District, which is only a part of the original Aurora Graded School District as first established. That the Board of County Commissioners of Beaufort County shall order an election in the new territory described herein on a day appointed by it; said board of county commissioners shall give thirty days' notice of said election at two public places in said territory; shall designate one polling place in said territory; shall appoint a registrar, who shall register all qualified voters in said territory according to law; shall appoint two qualified voters residing in said territory as poll-holders who, together with said registrar, shall hold said election at the polling place designated and shall canvass the returns and declare the result and certify the same to the county commissioners, who shall have said returns of said election recorded in the office of the Register of Deeds in Beaufort County. At said election the question of levying on all polls and property in said territory a special tax for school purposes of same rate as that now levied on all polls and property for the same purpose in the territory embraced in the other part of the Aurora Graded School District shall be submitted to a vote of the qualified voters in said new territory, and those favoring the levy of such tax shall vote a ballot on which shall be written or printed "For School Tax," and those opposed shall vote a ballot on which shall be written or printed "Against School Tax." If a majority of the qualified voters shall cast their votes "For School Tax," then the same tax as is now levied on all polls and property in the Aurora Graded School District for the support of the public schools thereof shall be levied and collected on all polls and property for the same purpose, in the same manner, at the same time and by the same officer in said territory in which said election is held, and the funds arising from said tax shall be paid over to the treasurer of said Aurora Graded School District, and said territory shall be added to and constitute a part of said Aurora Graded School District; and all children of school age residing in said territory shall be entitled to all the privileges of the public schools conducted in the Aurora Graded School District in all respects as are other children of school age residing in said district.

Election to be ordered.

Notice of election.

Polling place.

Registrar and poll holders.

Special tax to be voted on.

Ballots.

Effect if majority of voters vote for schools.

Special tax levied by town commissioners of Aurora.

Sec. 2. That for the purposes of providing for and defraying the expense of the Aurora Graded School District for white and colored children, provided for in this act, the Board of Town Commissioners of the Town of Aurora shall annually and at the time of levying the municipal taxes levy and lay a particular tax on all persons, property and subjects of taxation within the limits of the Aurora Graded School District, as heretofore described, on which said board of town commissioners may now or hereafter be authorized to lay or levy taxes for any purpose

whatsoever. The said particular taxes to be and remain the same as when the original Aurora graded school was first established, which is thirty cents on the one hundred dollars assessed valuation on all personal and real property of whatsoever kind and ninety cents on each taxable poll of said district. Rate.

Sec. 3. That for the purposes and benefits of this act the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes and the holding of municipal elections in the town of Aurora shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town as fully as if the same lay within said corporate limits, and that in all elections which shall be held under this act, that portion of said graded school district lying without said corporate limits shall be deemed a ward of said town. Town rights extended to district.

Sec. 4. That said taxes shall be collected by the Tax Collector of the Town of Aurora at the time and in the manner that the municipal taxes are collected, and said tax collector shall pay the amount collected over to the treasurer of said town, who shall keep such money separate and apart from the municipal funds, and the treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded school, only upon the warrant of the chairman and secretary of said board of graded school trustees: *Provided*, that said tax collector and said treasurer shall enter into bonds in such amount as said board of trustees may direct, that of the former conditioned for the faithful collection and paying over the said taxes and other funds that may come into his hands for the use and benefits of said graded school and that of the latter for the safekeeping and proper disbursement of same. Collection of tax. Proviso: bonds of tax collector and treasurer.

Sec. 5. That R. L. N. Bonner, B. W. Miller, Dr. S. W. Staley, J. B. Whitehurst and L. T. Thompson be and are hereby constituted a board of trustees for the public school of said graded school district. That the above named trustees shall hold office until the first Tuesday in May, one thousand nine hundred and nine, or until their successors are duly elected as hereafter provided for, which shall be every two years thereafter, who shall be elected by the board of town commissioners immediately after it has been installed in office or at its meeting after said board of town commissioners has been duly elected. That in the case of death or resignation the remaining trustees shall duly elect other trustees to fill the vacancies, who shall hold the same length of time as that of the retiring trustees. Trustees appointed. Term of office. Vacancies.

Sec. 6. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate by the name and style of the Board of the Aurora Graded Trustees incorporated. Corporate name.

Corporate rights.

School Trustees of Aurora, North Carolina, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, change, mortgage or sell the same and exercise such other rights and privileges as are incident to other corporations, and said corporation shall have a corporate seal which it may break and change at pleasure.

Trustees to establish schools.

Sec. 7. That it shall be the duty of said board of graded school trustees to establish graded public schools for the white and colored children of said graded school district. The said board of trustees shall appropriate and use the funds derived from said particular taxes and from other sources in such manner as may be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Proviso; donations applied as directed.

Trustees to have exclusive control of schools.

Sec. 8. That said board of graded school trustees shall have exclusive control of all public schools in said school district free from the supervision and control of the county board of school directors and the County Superintendent of Schools of Beaufort County. The board of trustees shall cause a census to be taken of all the children, same as directed by law, once each year, which shall be forwarded to the superintendent of county board of schools, and shall employ and fix the compensation of all officers and teachers of schools and shall exercise such powers as may be necessary for the successful control and operation of said graded school.

School census.

Apportionment from general school funds.

Sec. 9. That all public school funds derived from the State and from the county of Beaufort for the use and benefit of said graded school district shall be paid over to the Treasurer of the Town of Aurora by the treasurer of said county for the use and benefit of the said graded school in said graded school district; and the property, both real and personal, of the various public school districts embraced within the limits of said graded school district shall become the property of said graded school district, and the title thereto shall be vested in said board of trustees in trust therefor; and said board of trustees may in its discretion sell the same or any part thereof and apply the proceeds to the use of the public graded schools established in said graded school district.

Title to school property vested in trustees.

Incidental fee.

Sec. 10. That said board of graded school trustees may, if in its judgment necessary for the maintenance of said graded school, require from each pupil entered therein an incidental fee of not more than two dollars and a half per annum, payable as the board of trustees may direct: *Provided*, that such fees shall be applied exclusively to the maintenance of the graded school in the graded school district.

Sec. 11. The said board of graded school trustees shall elect annually all teachers and exercise such other powers and discharge such other duties as it may deem necessary for the betterment of the graded schools in the said graded school district. Election of teachers.

Sec. 12. The said board of graded school trustees is hereby authorized in its discretion to fix the studies and adopt the books for said graded schools. Trustees to fix studies and adopt books.

Sec. 13. That it shall be the duty of the said board of graded school trustees to make to the Mayor and Board of Commissioners of the Town of Aurora annually, after the close of each school year, a full report of the operations of the graded schools of said graded school district, and duplicate copies of said report shall be furnished to the County Superintendent of Schools of Beaufort County. Reports.

Sec. 14. That the several boards of trustees having authority under the general school law of the State shall, in the apportionment of all public school funds to said graded school district, apportion same upon a *per capita* basis. Apportionments per capita.

Sec. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 236.

AN ACT TO ALLOW THE TOWN OF GREENVILLE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the Town of Greenville is hereby authorized and empowered to issue bonds in the name of the town of Greenville, in such denominations and forms as it may determine, to an amount not exceeding seventy-five thousand dollars ($75,000), payable thirty (30) years from their date. Bond issue authorized. Denominations. Amount.

Sec. 2. That said bonds shall bear interest at no greater rate than six per cent. per annum, and the interest shall be made payable semi-annually, and the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Interest.

Sec. 3. That the said bonds shall be signed by the mayor and attested by the clerk, and shall be sealed with the corporate seal of the town of Greenville, and shall have interest coupons attached How bonds authenticated.

Exemption from town tax.
Coupons receivable for town taxes.

thereto, which said bonds and their coupons shall be exempt from taxation until after they become due, and the coupons shall be receivable in payment for town taxes. That for the purpose of paying the interest on said bonds, as the interest becomes due, it shall be the duty of the board of aldermen, and it is hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and in the manner and at the same time as other taxes are levied and collected under the said charter: *Provided*, that the taxes collected under this act for the payment of said interest coupons as aforesaid shall be used for no other purpose and it shall be the duty of the town treasurer, as said coupons are paid, to cancel the same and return them to the board of aldermen with a report showing their number and amount, to be further canceled or destroyed by the board of aldermen, and the treasurer shall make such report and turn in said coupons as often as he has said coupons.

Special tax.

Proviso: specific appropriation of tax.

Power subject to approval of voters.

Sec. 4. That the board of aldermen shall not issue said bonds or any of them nor levy nor collect said tax until it shall have been authorized and empowered so to do by a majority of the qualified registered voters of said town, at an election to be held at such time and place as the said board shall appoint, of which notice shall be given for twenty (20) days in some newspaper published in the said town; and at said election those favoring the issue of said bonds as specified and the levy and collection of the tax for the payment of the said bonds and coupons shall vote a written or printed ticket with the words thereon "For Bonds," and those opposing it shall vote a written or printed ticket with the words thereon "Against Bonds." The board of aldermen shall order an entirely new registration of voters, and the said board of aldermen may call an election under this act at any time it may see fit after giving the proper notice.

Notice of elections.

Ballots.

Purpose of issue.

Sec. 5. That the said bonds may be issued for the purpose of constructing, extending, enlarging and maintaining the sewerage system now in course of construction, and for the purpose of paving or otherwise improving the streets, and aiding in establishing a training school in or near the town of Greenville, if one shall be authorized by law, and the board of aldermen is hereby authorized to use so much of the proceeds of the sale of said bonds for either of said purposes as it may deem proper, and said money shall not be used for any other purpose.

Appropriation.

Sinking fund.

Sec. 6. That, beginning ten years from the ratification of this act, the board of aldermen of the said town shall begin to set aside from the taxes and other revenues of said town a sinking fund to pay the principal of said bonds at maturity; and for this purpose it may levy a special tax not to exceed the sum of fifteen

(15) cents on every hundred dollars' ($100) worth of taxable property and forty-five (45) cents on every taxable poll within said town, unless a greater sum shall be authorized by a special act of the General Assembly, ratified and approved by the qualified voters of said town at a special election to be held for that purpose.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 237.

AN ACT TO AUTHORIZE THE TOWN OF CANTON TO ISSUE BONDS AMOUNTING TO $65,000 FOR A WATER SUPPLY, SEWERAGE, ELECTRIC LIGHTS, A GRADED SCHOOL BUILDING AND STREET IMPROVEMENTS, AND TO LEVY A SPECIAL TAX TO MEET THE INTEREST AND PAY SAID BONDS, AND FOR THE MAINTENANCE OF A GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Canton, in Haywood County, is hereby authorized, empowered and directed to issue sixty-five thousand dollars in bonds in the name of the town of Canton for the purpose of establishing a water supply and sewer system, providing for electric lights, purchasing the necessary land and erecting thereon a graded school building or buildings and for street and sidewalk improvements in said town of Canton: *Provided*, that a majority of the qualified voters of said town shall authorize the same in an election to be held as hereinafter provided. Said bonds shall not bear a greater rate of interest than five per cent. per annum, payable thirty years after the date thereof, the same not to be sold for less than par and to be of the denomination of not less than one hundred nor more than five hundred dollars each, interest to be due and payable semi-annually and to be so expressed on the face of said bonds. Each of the said bonds shall be numbered and have attached thereto the requisite number of coupons, each coupon to represent the interest that shall become due semi-annually on each of said bonds. Said bonds and coupons shall be payable at the Champion Bank of Canton, North Carolina. The said bonds shall be signed by the mayor and countersigned

Bond issue authorized.

Amount.

Purposes of issue.

Proviso: majority of voters to authorize issue.

Interest.

Maturity.

Bonds not to be sold below par.

Denomination.

When payable.

How bonds authenticated.

by the clerk of said town, and it shall be sufficient to have a facsimile signature of the mayor and clerk lithographed in the coupons, and said bonds shall have the corporate seal of the town of Canton affixed thereto. The said bonds and coupons shall express upon their face that they are payable out of the taxable property and polls of the town of Canton, only observing the constitutional equation; and it shall be lawful for and the duty of the board of commissioners of said town to levy annually on the taxable property and polls of said town a sufficient tax to pay the interest of said bonds as it shall accrue and to create a sinking fund for the purpose of paying off and discharging said bonds as they become due.

Tax for interest and sinking fund.

Issue voted on at next town election.

Sec. 2. That at the next general election to be held for the said town of Canton on Tuesday after the first Monday in May, one thousand nine hundred and seven, the board of commissioners of said town shall submit to the qualified voters thereof the question as to whether the said town shall issue the sixty-five thousand dollars of bonds for the purposes aforesaid and levy a special tax annually to pay the interest on said bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said bonds as they become due, and for the purpose of maintaining and carrying on said graded school; and those favoring the issuing of said bonds and the levying of said special taxes shall be permitted to cast one ballot upon which shall be written or printed the words "For Bonds and Schools," and those opposing shall be permitted to cast one ballot upon which shall be written or printed the words "Against Bonds and Schools."

Ballots.

Notice of election.

Sec. 3. That it shall be the duty of the board of commissioners of said town to have published for thirty days before said election, by posters at three public places, a notice stating that the question as to the issuing of said bonds and the levying of said special taxes for the purposes aforesaid will be submitted to a vote of the qualified voters of said town at said election, and a copy of said notice shall be recorded on the minutes of the board of commissioners of said town.

Bonds to be issued.

Sec. 4. That if, at said election, a majority of the qualified voters of the town of Canton shall cast their votes "For Bonds and Schools," then the board of commissioners of said town shall so declare and certify, and shall issue said bonds for the purposes aforesaid and sell the same and levy said special taxes as herein provided.

Bonds lithographed.

Sale of bonds.

Sec. 5. That the board of commissioners of the town shall cause said bonds to be lithographed or printed and pay for such work out of the funds of the town, and may sell said bonds at either public or private sale as it may deem to the best interest of the town, after giving notice of said sale by advertisement, as

it may decide best, for thirty days, but shall not sell said bonds for less than par, but may pay a commission to a broker or to any one with whom it may contract to negotiate a sale of said bonds, and who may sell said bonds, not to exceed one thousand dollars. That if said bonds are sold for cash, the proceeds of sale shall be forthwith paid over to the treasurer of the town upon said treasurer first giving a good justified bond, with good sureties, or in some good surety company, in double the amount of the funds going into his hands. Said bond to be approved by the board of commissioners of the town and when so approved shall be kept by said board of commissioners in some safe place. The treasurer shall be allowed such compensation for receiving and disbursing said fund as shall be fixed by the board of commissioners of the town, not to exceed two per cent. on both receipts and disbursements or one per cent. on receipts and one per cent. on disbursements. That the treasurer shall keep an account of said funds separate and apart from any and all other funds of the town received and disbursed by him and shall make a written report of his receipts and disbursements of said funds to the mayor and board of commissioners of said town every sixty days, and oftener if requested by them to do so.

Commission to brokers.

Proceeds paid over.

Treasurer to give bond.

Commission of treasurer.

Seperate accounts.

Reports.

Sec. 6. That if said bonds are not sold for their par or face value for cash, the board of commissioners for the town may, if it elect to do so, sell the same for not less than their face or par value to any person, firm or corporation, who may contract with the town to make any of the improvements or to do any of the work for which said bonds are issued, except the purchase of the real estate for the erection of the graded school building and for the erection of the buildings thereon, and for these the said funds or bonds shall be turned over to the graded school trustees hereinafter named as hereinafter provided.

Exchange of bonds for improvements.

Sec. 7. That Omar Carr, W. T. Sharp and C. T. Wells be and they are hereby appointed a finance committee to aid the board of commissioners of the town in making the improvements contemplated by the provisions of this act, and to aid the graded school trustees, hereinafter provided for, in the establishment of a graded school; and no money realized from the sale of said bonds shall be paid out by the treasurer of the town on the warrant of the commissioners unless the approval of said finance committee is endorsed thereon, nor shall any contract be valid for work or improvements contemplated by the provisions of this act unless approved by the said finance committee.

Finance committee.

Payments and contracts to be approved.

Sec. 8. That subject to the approval of the finance committee aforesaid, the board of commissioners of the town is authorized, empowered and directed as follows:

Powers of town commissioners subject to approval of finance committee.

(1) To employ one or more experts, if it deem it advisable to do so, to make an estimate of the probable cost of any or all of the improvements contemplated by the provisions of this act.

To employ experts.

To employ engineers.

(2) To employ one or more competent engineers, together with the necessary assistance and help, to do any work contemplated in this act.

To advertise and let contracts.

(3) To advertise for thirty days and to let contracts to the lowest responsible and competent bidder for the improvements herein contemplated, except the necessary real estate for the erection of the graded school buildings and for the erection of such buildings thereon. That the contracts for the different improvements may be let separately or as a whole as the commissioners and finance committee may deem best. That said commissioners and finance committee, if they deem best, may reject any and all bids and re-advertise for bids or proceed to have the work done as they deem best: *Provided*, that the commissioners of the town, subject to the approval of the finance committee, may, if they deem best, let a contract for lighting the town for a term of years instead of establishing its own electric light plant.

Power to reject all bids.

Proviso: contract for lighting town.

Bonds of contractors.

(4) To require any and all contractors to file good solvent bonds for the faithful performance of their contracts, which bonds shall be approved by the board of commissioners of the town and the finance committee.

Payments on contracts pending completion.

(5) To pay to the contractor or contractors for any of the improvements contemplated by the provisions of this act, as often as once a month, a sum of money not to exceed ninety per cent. of the work done by said contractors, the same to be ascertained by an estimate to be made by an engineer or some one appointed to make such estimate by the board of commissioners and the finance committee, the remaining ten per cent. to be paid when said contractor or contractors shall have fully completed their contract or contracts and after the work shall have been received by the board of commissioners of the town and the finance committee.

Other powers.

(6) To do any and all other work and things necessary to be done in order to make the improvements contemplated by this act.

Purchase of lands for water supply.

Sec. 9. That for the purpose of carrying out the provisions of this act and making the improvements contemplated, the board of commissioners of the town, subject to the approval of the finance committee, shall have full power and authority, in addition to the powers above named, to purchase the necessary land anywhere in the county of Haywood suitable for a water supply for the said town of Canton and a boundary of land for a watershed to keep said water pure, together with the necessary right-of-way to lay pipes and convey said water to the said town of Canton and to lay pipes, etc., to conduct the sewerage through and out of said town; and to purchase the necessary land, rights-of-way, etc., for erecting an electric light plant and for transmitting power for operating and maintaining electric lights. But in case such land and rights-of-way cannot be purchased on terms

Sewerage.

Light plant.

Lands to be condemned.

satisfactory to the board of commissioners of said town and the finance committee, then and in that event the right is hereby given to the said town of Canton or any person, firm or corporation that may contract with said town to furnish said water, erect an electric light plant or furnish electric lights or to do any other work herein provided for, to enter upon the land needed for said water supply and water-shed and to erect an electric light plant and transmit power for lighting the town and to lay pipes for the water, sewerage, etc., and to do such other work as may be necessary to make the improvements contemplated in this act, and to proceed and condemn and pay for said lands, rights-of-way, etc., as provided by chapter sixty-one, entitled "Railroads," Revisal of one thousand nine hundred and five of North Carolina, or as otherwise provided by law for condemning lands for such purposes; but the town, person, firm, company or corporation seeking to condemn lands, rights-of-way, etc., for the purposes aforesaid shall set forth in a petition the quantity of land, giving the location of the same or the number of feet in width desired for the purposes aforesaid: *Provided*, that in all cases of appraisal, where the mode or manner of conducting all or any of the proceedings to the appraisal and the proceedings consequent thereon are not expressly provided for by chapter sixty-one entitled "Railroads," aforesaid, otherwise provided for, the courts before which such proceedings may be pending shall have the power to make all the necessary orders and give the proper directions to carry into effect the object and intent of this act, and the practice in said cases shall conform as near as may be to the ordinary practice in such courts: *Provided further*, that such lands, rights-of-way, etc., so purchased or condemned as aforesaid, shall be paid for out of the funds realized from the proceeds of the sale of the bonds aforesaid.

Procedure for condemnation.

Proviso: powers of court.

Proviso: fund for payments for land.

Sec. 10. That in case of a vacancy by death, resignation or otherwise in the finance committee, the same shall be filled by the other two members thereof. That the members of said finance committee shall be allowed the same compensation for their services as is allowed to the members of the board of commissioners of the town, not to exceed five dollars per day and expenses for the time actually engaged in the performance of their duties, to be paid for out of the proceeds of said bonds.

Vacancies in finance committee.

Pay of finance committee.

GRADED SCHOOL.

Sec. 11. That all the territory embraced within the corporate limits of the town of Canton, Haywood County, shall be and is hereby constituted the "Canton Graded School District" for white and colored children.

Canton graded school district established.

Sec. 12. That if a majority of the qualified voters of said town shall vote "For Bonds and Schools," as provided in the second

Special tax.

section of this act, it shall be the duty of the board of commissioners of said town and its successors to levy annually a special tax, not less than twenty cents nor exceeding sixty cents on the hundred dollars valuation of all taxable property of said town and upon the poll not less than sixty cents nor exceeding one dollar and eighty cents; and said taxes shall be due and collectable annually by the town tax collector at the same time and in like manner as other taxes are due and collected.

Taxes to be paid over.

Sec. 13. That the taxes so collected shall be paid over by the said tax collector of the said town to the treasurer of said town,

Bonds of treasurer and tax collector.

which officers shall give bonds, the former for the collection and the latter for the safe-keeping and proper disbursement of said special taxes and other funds that may come into his hands for

School fund kept separate.

the use of said graded schools; and said treasurer shall keep said school fund separate and apart from all other moneys and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded schools

Proviso: failure to keep funds separate a misdemeanor. Punishment.

of said town: *Provided*, that if said treasurer fails to keep said school funds separate and apart from other funds, as herein directed, he shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court, and shall be

Penalty.

liable to a penalty of two hundred dollars to be paid to the trustees of the graded school, to be used for school purposes.

Trustees for graded school.

Sec. 14. That Charles S. Bryant, J. W. Scott, J. N. Mease, J. H. Anderson and W. E. Holtsclaw be and they are hereby constituted a board of trustees for the graded schools of said town;

Powers of trustees.

that said board shall have power to fill all vacancies in said board, employ teachers and do all such acts as may be necessary

Terms of trustees.

to carry on the graded schools. That the first two trustees named in this section shall hold office for two years, the second

Successors.

two for four years and the other for six years, and that upon the expiration of the terms of the said trustees, the remaining members shall appoint or elect the successors of the retiring trus-

Proviso: county superintendent to fill vacancies on failure of trustees.

tees: *Provided*, that upon failure of said trustees to fill vacancies from any cause within four months from the time such a vacancy or vacancies occur, it shall be the duty of the County Superintendent of Public Instruction for Haywood County to appoint trustees to fill such vacancies.

Trustees to establish schools.

Sec. 15. That it shall be the duty of said board of trustees to establish a graded school for the white children and one for the colored children of said town, if any; and to appropriate the funds derived from said special tax and all other sources for said graded schools for white and colored children so as to equalize school facilities between the two races.

Apportionment from general school fund.

Sec. 16. That the public school money which may from time to time be collected and apportioned under the general school law for general school purposes for the children in said town, shall

be applied to keeping up said graded schools under the order and direction of the said board of trustees of said graded schools.

Non-resident pupils.

Sec. 17. That the board of trustees of said schools is hereby authorized and empowered to admit into the said schools children residing out of the said school district, upon the payment of such rates of tuition as may be established by the board: *Provided*, that said board may admit free of tuition children of parents who own taxable property within said town.

Proviso: free tuition.

Property vested in trustees.

Sec. 18. That the property, both real and personal, of the public schools of said town shall become the property of the said graded schools, and shall be vested in the said board of trustees and its successors in trust for said graded schools: *Provided*, that in the event of the discontinuance of said graded schools all the property thereto belonging shall revert to and become the property of the said public schools of said town: *Provided further*, that the said property belonging to or used for the graded school for white children shall revert to the public schools of said town for white children, and the property belonging to or used for the graded school for the colored children shall revert to the public school for colored children of said town.

Proviso: reversion or discontinuance of school.

Proviso: specific reversion.

Purchase of ground and erection of buildings.

Sec. 19. That the Board of Commissioners of the Town of Canton be and it is hereby authorized, empowered and directed to turn over to the board of trustees of said graded schools either fifteen thousand dollars of the proceeds arising from the sale of the sixty-five thousand dollars of bonds aforesaid or bonds to that amount, to be used by said board of trustees in the purchase of suitable and sufficient grounds for the erection of said graded school buildings and to erect said buildings. Said sum of money shall be turned over to the treasurer of said town, for which he shall be bonded and allowed commissions as hereinbefore provided for the other proceeds from the sale of said bonds. Said sums shall be drawn out only for the purposes aforesaid and upon the order of the board of trustees of said graded schools, subject to the approval of the finance committee aforesaid: *Provided*, that if the said sum of fifteen thousand dollars is not needed for the purchase of said grounds and the erection of said buildings, the surplus may be used by said trustees in maintaining the graded schools aforesaid.

Specific appropriation.

Proviso: surplus used in maintenance.

Powers of trustees.

Sec. 20. That the board of trustees of said graded schools shall have, subject to the approval of the finance committee, all the powers hereinbefore given to the board of commissioners of the town as to the purchase of said lands and the erection of said buildings.

Sale of school property.

Sec. 22. That said board of trustees be and it is hereby authorized, empowered and directed to sell the public school property of the town of Canton or its interest thereon on such terms as said trustees may deem best and make title to the pur-

Appropriation of proceeds.

chaser and use the funds realized from the sale thereof in the purchase of the real estate, erection of said buildings and maintaining said graded schools.

Condemnation of land for school site.

Sec. 23. That in case the board of trustees of said graded schools cannot purchase the necessary and suitable lands for said graded schools on terms satisfactory to the board of trustees and finance committee, said board of trustees shall proceed to condemn and pay for said land in the manner hereinbefore provided for condemning of land by the town of Canton needed for water supply, etc., and by the same procedure; and that when said land shall be acquired by such procedure and paid for, the title to the same shall vest in the board of trustees for said graded schools in fee-simple, and if deemed necessary the court may, upon application or a suit instituted by the board of trustees against the party whose land has been condemned for the purposes aforesaid, compel such party or parties to execute and deliver to said board of trustees a deed in fee-simple for such property and the same may be done by the town of Canton as to any land condemned by it for water supply and other purposes as hereinbefore set forth.

Court to compel execution of deeds.

Sec. 24. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 25. That this act shall take effect from and after its ratication.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 238.

AN ACT TO REGULATE POUND CHARGES IN THE TOWNS OF MURPHY AND ANDREWS, CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Fees for feeding impounded stock.

Section 1. That the town marshal or other officer of the towns of Murphy and Andrews, Cherokee County, shall receive the following fees for feeding cattle, horses, mules, sheep, goats, jacks, jennets and hogs per head that may be impounded in said towns by virtue of the violation of any ordinance of said town, and no more, to-wit: On every head of cattle, horses, mules, sheep, goats, jacks, jennets and hogs ten cents per head per day.

No fees for impounding or selling.

Sec. 2. That no officer of said towns shall receive any fees for impounding or selling any of the stock above named.

Limit on powers of town commissioners.

Sec. 3. That the town commissioners of said towns of Murphy and Andrews shall not have the authority to pass any ordinance allowing any greater charges than those enumerated in section

one (1) of this act or in conflict with section two (2) of this act.

Sec. 4. That any act or law, in so far as the same may conflict with the provisions of this act and no further, is repealed, but nothing in this act shall repeal the law giving the authority to town commissioners of said towns to pass ordinances governing said towns other than the provisions of this act. Repealing clause. Extent and effect of repeal.

Sec. 5. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 239.

AN ACT FOR THE RELIEF OF W. J. DAVIS, EX-CHAIRMAN OF THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Henderson County be and it is hereby authorized, in its discretion, to pay W. J. Davis, ex-chairman of the board of commissioners of said county, out of the general county funds not exceeding seventy-five dollars for extra work done in connection with the building of the new court-house: *Provided*, said claim specified in this act shall be approved for payment by the finance committee of Henderson County before the same shall be ordered paid by the county commissioners. Pay for extra work. Proviso: payment approved by finance committee.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 240.

AN ACT TO INCORPORATE THE TOWN OF BURNSVILLE, IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Burnsville, in the county of Yancey, be and the same is hereby incorporated under the name and style of "Burnsville," and the inhabitants thereof shall be subject to all the provisions in the laws of North Carolina in reference to incorporated towns and not inconsistent with the provisions of this act. Town incorporated. Corporate name. Subject to provisions of general law.

Corporate limits.

Sec. 2. That the corporate limits of said town shall extend five-eighths (⅝) of one mile in all directions from the northeast corner of the court-house in said town.

Town officers.

Duties of mayor.

Mayor pro-tem.

First officers named.

Officers to qualify.

Appointment of police and secretary and treasurer.

Sec. 3. That the officers of said town shall consist of a mayor and four commissioners; the mayor, when present, shall preside at the meeting of said board of commissioners, but shall not be entitled to a vote, except in case of a tie. In the absence of the mayor the board may appoint one of its number to act as mayor *pro tempore;* and the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified, to-wit: Mayor, G. E. Gardner; commissioners, J. Bis Ray, E. F. Watson, A. B. Bryan and J. L. Ray. Said officers, before entering upon the discharge of their duties, shall take and subscribe an oath to support the Constitution and laws of North Carolina, and shall have power to appoint a chief of police and as many others as may be necessary, and a secretary and treasurer, who shall hold their offices for one year and until their successors are appointed or elected and qualified.

Town elections.

Sec. 4. That it shall be the duty of the commissioners to provide for an election to be held on the first Monday in May, one thousand nine hundred and seven and annually thereafter according to the laws of the State, and the officers elected shall hold their offices until their successors are elected and qualified.

Voters.

Sec. 5. All qualified electors of the State who have been residents of the town for sixty days prior to any election in said town shall be entitled to vote.

Ordinances.

Tax rate.

Abatement of nuisances.

Streets and roads.

Sec. 6. That the commissioners of said town shall have power to pass all by-laws, rules and regulations necessary for the good government of said town, not inconsistent with the laws of this State. They shall have power to levy and collect a tax not exceeding forty-five cents on the poll and not to exceed fifteen cents on the hundred dollars valuation of all property, real, personal and mixed; and also shall have power to tax all other subjects of State taxation not to exceed one-half of the State tax and shall also have power to abate all nuisances and may impose such fines and penalties as may be necessary to abate them and shall also have full control of the streets and public roads, to open out and keep in repair such as are needed for the public convenience of the town.

Violation of ordinances misdemeanor.

Punishment.

Sec. 7. That any person violating any ordinance of said town shall be guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of fifty dollars or imprisonment not to exceed thirty days.

Town clerk and treasurer.

Chief policeman.

Sec. 8. That the board of commissioners at its first meeting, after being qualified, shall elect a town clerk and treasurer, a chief policeman, who shall, before entering upon their duties,

take oath before the mayor or some justice of the peace to faithfully execute the duties of their respective offices; and they may receive such compensation as the board of commissioners may allow. And it shall also appoint a tax collector, whose duty it shall be to collect all taxes for the town and pay the same over to the treasurer. Officers to qualify. Pay. Tax collector.

Sec. 9. That the clerk shall keep a regular and fair minute of the proceedings of the board and preserve all books, papers and moneys committed to his charge and pay out all moneys as directed by the board of commissioners of the town and shall keep a correct account of all moneys received and from what source received and submit said accounts to the board of commissioners when required and return all books, papers and moneys over to his successor. Duties of clerk.

Sec. 10. That the mayor shall perform such duties as may be prescribed, and he shall receive such compensation and fees as may be allowed by the board of commissioners and the ordinances of the corporation. That the commissioners shall form one board and a majority of them shall be competent to perform any business. Duties and pay of mayor. Quorum of commissioners.

Sec. 11. After the mayor shall have been duly elected and qualified he shall call the commissioners elected before him within three days, and they shall then and there take an oath to discharge the duties imposed upon them by virtue of their offices as commissioners to the best of their abilities, which oath may be administered by the mayor or any person authorized to administer oaths. Commissioners elect to qualify within three days.

Sec. 12. That the Mayor of the Town of Burnsville may issue his precepts to any constable, policeman or such officers as are required to execute processes issued by a justice of the peace. Jurisdiction of mayor.

Sec. 13. That the mayor shall keep a true and faithful minute of the precepts issued by him and all his judicial proceedings. Minutes of precepts.

Sec. 14. The mayor-elect of said town shall, within three days after notification of his election, take the oath prescribed before any officer authorized to administer oaths. The mayor is hereby constituted an inferior court, and as such shall, within the corporate limits of said town of Burnsville, have all the power, jurisdiction and authority of a justice of the peace in all criminal matters. The mayor shall further be a special criminal court within the corporate limits of said town, and is authorized to have arrested and try all persons who are charged with a misdemeanor for violating any ordinance of said town. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justice of the peace, and in all cases there shall be a right to appeal; and in all cases where a defendant may be adjudged to be imprisoned by the said mayor, it shall be lawful and competent for him to adjudge also that the Mayor elect to qualify within three days. Mayor constituted inferior court. Jurisdiction. Mayor a special court. Jurisdiction. Proceedings. Convicts sentenced to labor.

defendant, during the period of his confinement, shall work on the public streets or roads or other public works of said town; and it may be and shall be lawful for the mayor, when he has entered up a judgment against a defendant for fine or penalty, if the same is not paid, to order and require that such person or persons so convicted shall work on the streets or public roads or public works, under the supervision of the policeman of said town, at the rate of from fifty cents to one dollar per day, as the mayor may adjudge, until the fine, penalty and costs are paid.

Fines and penalties to be worked out.

Road and street duty.

Sec. 15. That all male inhabitants of said town of Burnsville, between the ages of eighteen and forty-five years, shall be subject to road and street duty within the limits of said town, unless they be exempt from duty by the town commissioners for poverty and disabilities: *Provided, however*, that they may pay a poll tax levied by the town commissioners for road and street purposes or work out the same on the roads or streets at a *per diem* fixed by the town commissioners: *Provided further*, that the number of days allotted to be worked on said streets or roads shall not be less than the time fixed by law for the working of the public roads in the county of Yancey, and no person shall be compelled to work on the public road outside of the town limits.

Proviso: poll tax for roads and streets.

Proviso: limit on road duty.

Sec. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 241.

AN ACT TO ALLOW THE CITY OF WILMINGTON TO ISSUE BONDS FOR WATER AND SEWERAGE.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Aldermen of the City of Wilmington, by and with the concurrence of the board of audit and finance of said city, after a majority of the qualified voters of the city of Wilmington have approved and authorized the same as hereinafter provided, is hereby authorized and empowered to issue bonds in the name of the city of Wilmington, North Carolina, in such denominations and forms as it may determine, to an amount not exceeding five hundred thousand dollars ($500,000), payable at such times and at such places as the board of aldermen and the board of audit and finance may prescribe: *Provided*, that the time of payment of such bonds shall not be less than thirty (30) years and not more than fifty (50) years from their date.

Denominations.

Amount.

Proviso: maturity.

Sec. 2. That said bonds shall bear interest at no greater rate than five per centum per annum, and that the interest shall be made payable annually or semi-annually as the board of aldermen and the board of audit and finance may prescribe, and the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Interest. Bonds not to be sold below par.

Sec. 3. The said bonds shall be signed by the mayor, attested by the city clerk and treasurer and sealed with the corporate seal of the city, and shall have interest coupons attached thereto, which said bonds and the coupons shall be exempt from city taxation until after they become due and the coupons shall be receivable in payment of city taxes. That for the purpose of paying said bonds at maturity and the coupons as they become due, it shall be the duty of the board of aldermen and the board of audit and finance, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation, which are or may hereafter be embraced in the subjects of taxation under the charter of said city and the general law, and in the manner and at the same time as other taxes are collected under said charter and the general law: *Provided*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose, and it shall be the duty of the board of audit and finance as said coupons are paid off and taken up to cancel same. How bonds authenticated. Exemption from city taxation. Special tax for bonds and interest. Proviso: specific appropriation.

Sec. 4. That the board of aldermen and the board of audit and finance shall neither issue said bonds or any of them, nor levy or collect said tax, until they shall have been authorized and empowered so to do by a majority of the qualified voters of said city at the regular election of the board of aldermen of said city to be held on the Tuesday after the first Monday in May, one thousand nine hundred and seven, it being the seventh day of May, one thousand nine hundred and seven, and the same rules and regulations as are required for the election of the members of the board of aldermen shall govern in the election required by this act, to-wit: Those set forth in subdivision seven of chapter seventy-three, entitled "Towns," of the Revisal of one thousand nine hundred and five of North Carolina; and at said election those favoring the issue of said bonds and the levy and collection of the tax for the payment of said bonds and coupons shall vote "For Water and Sewerage," and those opposing it "Against Water and Sewerage." Bonds not to issue until issue approved by voters. Time of elections. Law governing elections. Ballots.

Sec. 5. Should a majority of the votes cast at the election to be held as aforesaid, or at any future election herein provided for, be "Against Water and Sewerage," such rejection on the part of the voters shall not operate to prevent a re-submission of same proposition to the qualified voters of the said city of Wil- Successive elections.

mington at any other time or times that the said board of aldermen and board of audit and finance may designate: *Provided, however*, the question of issuing said bonds shall not be submitted within a period of twelve months from and after any election held hereunder: *and provided further*, that at any and all elections held under the provisions herein, the same rules and regulations shall govern the same as are then in force for the regulation of elections of members of the Board of Aldermen of the City of Wilmington.

Proviso: elections not allowed oftener than annually.

Proviso: rules and regulations.

Purpose of issue.

Sec. 6. That the bonds issued under this act shall be for the purpose of maintaining, extending, enlarging and operating a water-works plant to furnish water for the use of the city and its citizens and to build, construct and maintain a sewerage system in said city; but the board of aldermen and the board of audit and finance may, with the proceeds derived from the sale of said bonds, in their discretion, purchase any established system of water-works and sewerage, or either of them, now or hereafter operated in said city.

Purchase of established systems.

Condemnation of land.

Sec. 7. When any land or right-of-way within or without the limits of said city of Wilmington shall, in the opinion of the water and sewerage commission hereinafter provided for, be required for the purpose of laying sewer pipes or water pipes or making man-holes or acquiring water rights and other property, or for any other purpose connected with and necessary for the successful operation of such sewer system or water system, or both, and the owners of said property and said commission cannot agree as to the damage by reason thereof, the same shall be condemned and damages assessed thereon in the manner prescribed by the charter of the city for condemnation of land for streets. For the purpose of successfully constructing and operating such sewer system and water-works plant said commission shall have power to extend the system or systems, or any branch or branches thereof, beyond the limits of said city in any direction or directions which it may think proper, and to exercise all rights and privileges in the establishment, operation, repair and control of such sewer system or water-works system, or both, and any and all branches thereof, whether within or without the limits of said city.

Extension of system beyond city limits.

Power to enforce connections.

Sec. 8. That when the water and sewerage commission shall have caused the proper water and sewerage pipes to be laid through any of the streets of the city, the said commission shall keep in proper condition and repair the same from time to time, and shall require each and every house bordering upon any street upon which said water and sewer pipes have been laid to make such connections with the sewer and water pipes whenever the sanitary conditions and health of the community require it; and said commission shall direct the contractor, builder, owner

or other person having the charge and control of such building or buildings to make such sewerage and water connections as above stated, under the direction of an engineer selected by said commission, and in case such builder, owner, contractor or other person having charge of the property shall fail to make such connection with sewer and water within sixty days after notice shall have been served upon him, then it shall be the duty of the said commission to order such connection with sewer and water to be made under the direction of the said engineer, and the reasonable cost thereof shall be certified by the said engineer, whose certificate shall be *prima facie* evidence thereof and of its reasonableness, to the city clerk and treasurer, who shall enter the same in a specific book kept by him for that purpose, in which shall be set forth the owner or owners of the property, the location thereof, the amount due and the purpose for which due, and said amount shall be paid by the city and shall constitute, from the date of the filing of said certificate by said engineer, a lien upon the land and buildings into and upon which said connection has been made and work done, and the same shall become due and payable as follows: One-third at the end of ninety days from the filing by said engineer of the certificate of cost aforesaid and the balance in equal installments of one, two, three, four and five months thereafter. The said amounts shall bear interest from the date of the filing of said certificate until paid at the rate of six per centum per annum but if said cost and charges for said work are not paid as above set forth, then the whole amount or balance thereof shall forthwith become due and payable, and shall be collected by the city clerk and treasurer of said city in the same manner and under the same rules and regulations as may be prescribed for the collection by said city of taxes upon real estate.

Connections by city on failure of builder or owner.

Cost a lien on land and buildings.

When payable.

Interest on deferred payments.

Enforcement of payments.

Sec. 9. That after the board of aldermen and the board of audit and finance shall have purchased any sewerage system or water-works system now operated in said city, or shall have determined, in lieu thereof, to lay and construct a new system or systems of sewerage or water, then for the proper management or construction, as the case might be, of said systems of water and sewerage a commission to be known as the "Water and Sewerage Commission" is hereby established, which said commission shall consist of three (3) members to be appointed as follows: One by the board of aldermen, one by the board of audit and finance and one by the mayor. The one (1) to be appointed by the mayor to hold office for two (2) years, the one (1) to be appointed by the board of aldermen to hold office for four (4) years and the one (1) to be appointed by the board of audit and finance to hold office for six (6) years. And their successors shall be appointed in like manner as in this section

Water and sewerage commission established.

Appointment of board.

Terms of office.

Successors.

hereinbefore provided and for the terms hereinbefore respectively designated, and in case of vacancy otherwise than by expiration of the term, the power appointing the member shall fill the vacancy for the unexpired term. The said commission shall organize by electing one of its members its chairman, whose term as chairman shall be fixed by said commission: *Provided, however,* that no member of the said commission shall be an employee or officer of the city of Wilmington.

Vacancies.

Organization.

Proviso: officers and employees of city ineligible.

Powers of commission.

Sec. 10. That said commission shall have entire supervision and control, after the board of aldermen and board of audit and finance have purchased any established system or systems of water and sewerage, or either of them, or have determined, in lieu thereof, to lay and construct a new system or systems, of the maintenance, construction, operation, extension, improvement and management of said system or systems, and shall fix uniform and reasonable rates for water and sewerage, but said rates shall always be subject to the approval of the board of aldermen and board of audit and finance.

Water rates.

Proceeds of bonds to be kept separate.

Sec. 11. That the proceeds derived from the sale of the bonds issued under this act shall be turned over to the city clerk and treasurer, which said proceeds shall be kept by him separate and apart from all other funds of said city and paid out and disbursed by him only upon warrants and drafts drawn by said commission, signed by its chairman and at least one other member of said commission. Should the board of aldermen and the board of audit and finance, however, elect to purchase any system or systems of sewerage and water, or either of them, which have been established in said city as hereinbefore provided for, then and in that event said city clerk and treasurer shall pay out so much of the proceeds of said bonds as may be necessary to pay the purchase price of said system or systems upon a warrant or warrants drawn and signed as is now prescribed for the disbursements of other funds of said city, and the residue thereof upon warrants and drafts drawn upon him by said commission in the manner hereinbefore in this section prescribed.

Warrants for payments.

Warrants for purchase money if system purchased.

Commission to report monthly.

Sec. 12. Said commission shall, on the first Monday of each and every month, file with the board of aldermen and the board of audit and finance of the city of Wilmington an itemized statement of all warrants drawn by it upon the city clerk and treasurer to be by him paid out of the proceeds of said bonds as aforesaid, with the name of the payee, the amounts and the purposes of the same, and also of all contracts made and entered into by it for the preceding calendar month.

Clerk and treasurer to commission.

Sec. 13. The said commission shall keep the funds derived from the management and operation of said system or systems in the hands of a clerk and treasurer to be elected by said commission and in an account kept separate and apart from other

Separate accounts.

city funds. That said funds shall be paid out by him only on the order of said commission and at the end of each quarter the said commission shall report to the board of aldermen and the board of audit and finance its receipts and itemized statement of its disbursements and the profit or loss for the period. In the event that there should be a net gain, the said commission shall turn over so much thereof as in its opinion shall not be required and necessary to meet and pay present or prospective needs and requirements of said system or systems to the chairman of the sinking fund of said city for the purpose of creating a fund to pay the bonds issued under this act, or in lieu thereof, to the city clerk and treasurer to pay the coupons on the bonds issued under this act: *Provided, however*, that should the report of the said commission show a deficit at the end of any quarter, the said deficit shall be paid out of the general fund of the said city, and the same shall be returned to the general fund by said commission from the future receipts derived from the operation of said system before any part thereof can be paid to the chairman of the sinking fund or the city treasurer as aforesaid.

Quarterly reports.

Surplus to sinking fund.

Proviso: loss paid from general fund.

Sec. 14. The books to be kept by said water and sewerage commission shall at all times be open for the inspection of the board of aldermen and the board of audit and finance or any committee or committees duly appointed by them, or either of them, and said boards, or either of them, shall have power in its or their discretion, at all times to employ competent accountants and auditors to inspect and audit the same.

Books open for inspection.

Sec. 15. The said commission shall employ such agents and employees as may be necessary for the proper conduct and management of the said systems of water and sewerage, but their compensation shall be fixed as is now provided, or may hereafter be, by the charter of the city of Wilmington for officers and employees, and the said board of audit and finance of said city shall determine which of said agents and employees shall give bond and the amount thereof.

Agents and employees.

Pay.

Bonds.

Sec. 16. The board of audit and finance may, if it sees fit, allow a remuneration to the members of the said commission.

Pay of commission.

Sec. 17. Any member of said commission may at any time be removed from office for just and reasonable cause by the power appointing him, and any vacancy thus created shall be filled as hereinbefore provided.

Removal for cause.

Sec. 18. That the said city of Wilmington shall not be liable for damage by reason of the negligent construction and maintenance of said water-works and sewerage systems, or either of them, or by reason of its failure to provide an adequate water supply, or in consequence of the negligence of the fire department or of the officers or members thereof, whereby its water mains or other appliances for the supply of water for the extin-

Relief of city from liability.

guishment of fire are allowed to get out of repair, whereby the property of any person, firm or corporation is burned, when such property would have been saved had the water supply been adequate, or had the water mains or other appliances been kept in good repair.

Powers of aldermen in reference to systems.

Sec. 19. That the Board of Aldermen of the City of Wilmington shall have power and authority to pass such needful laws and ordinances as are necessary for the preservation and protection of all machinery, water pipes, mains, conduits, rights-of-way or easements and property of every nature and kind, which may be laid, used or erected for the operation of said systems of water and sewerage, or either of them, whether within or without the limits of the city of Wilmington, and affix a penalty for the violation of said ordinance in a sum not exceeding a fine of fifty dollars or imprisonment not exceeding thirty days.

Specific repealing clause.

Sec. 20. That chapter two hundred and forty-two of the Private Laws of the year one thousand eight hundred and ninety-nine of North Carolina, be and the same is hereby repealed.

General repealing clause.

Sec. 21. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 22. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 242.

AN ACT FOR THE IMPROVEMENT AND MAINTENANCE OF THE STREETS AND SIDEWALKS OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

Aldermen vested with power to cause streets and sidewalks to be paved and curbed.

Section 1. That the Board of Aldermen of the City of Hickory be and it is hereby vested with full power and authority to cause the present streets and sidewalks of the said city with future extensions thereof and additions thereto to be paved and curbed with stone, concrete, brick, macadam or any other substance selected by them, or repaired when necessary, and to change the grade of any of the present streets or sidewalks and fix the grade of all extensions or additions; or it may, in its discretion, permit the owner of the property fronting upon any street or sidewalk to make such improvements under the direction of the board and in the manner prescribed by it; and in either case the procedure shall be as follows. The board of aldermen shall first adopt a resolution or ordinance at any regu-

May allow owner of abutting property to make improvements.

Procedure.

Resolution or ordinance to be adopted.

lar or special meeting, indicating what streets or sidewalks, or parts thereof are to be improved, and whether the work will be done by the city or the adjoining land owners; the time in which the work shall be begun and completed, if done by such owners, and thirty days' notice of the work to be done shall be given in writing to the owners of property abutting upon the street or sidewalk to be improved, and if any owner be a non-resident of the county of Catawba, such notice may be given to his agent, if he have one in said county, and if none, then no notice shall be required.

Notice to owners.

Notice to agent of non-resident.

Sec. 2. The expense of curbing or paving all sidewalks shall be borne, one-half by the city at large and one-half by the owners of the lots abutting upon such sidewalks, each lot bearing its proportion of this expense according to its frontage, and the same shall constitute a lien upon the respective lots so assessed until fully paid; and the expenses of grading, paving or improving the streets or any parts thereof shall be chargeable, one-third to the city and one-third to each of the lots abutting upon either side of the street where the work is done, always in proportion to the frontage of such lots, and the amount so assessed against any lot, whether for sidewalk work or street work, shall constitute a lien thereon, and a statement of the same shall be furnished by the city treasurer to each property owner with a demand for payment thereof: *Provided*, that if such property owner be a non-resident, such demand may be made upon his agent, or if he has no agent in the county, then by publication for thirty days in any newspaper published in the city of Hickory, and if not paid within six (6) months after such statement is rendered and demand made, then an execution shall issue by the clerk of said board of aldermen directly to the tax collector of said city, who shall advertise the lands upon which the defaulting assessments have been made as aforesaid in manner as provided by law for sale of land for unpaid taxes under the provisions of the charter of said city, and shall sell the same and give to the purchaser a receipt stating the time the land was advertised, the day of sale, the purchaser, the price paid, the assessment due thereon, the cost of sale, the name of the owner of the land and a description of the lots sold, and the owner shall have twelve (12) months within which to redeem said land by paying to the purchaser the amount he paid and twenty per centum additional, and the city may bid on said land to protect the amount so due it, and if the land is not redeemed within twelve (12) months, then the said tax collector shall make to the purchaser a deed for said land, which shall convey to him a good title in fee thereto, and any surplus over and above said assessment, cost of advertisement, of sale and conveyance shall be paid to the owner of the land at the time.

Apportionment of expense of sidewalks.

Lien on lots.

Apportionment of expense of street improvements.

Lien on lots.

Demand for payment.

Proviso: demand if owner non-resident.

Execution and sale after six months.

Receipt to purchaser.

Right of redemption.

Deed to land not redeemed.

Work done by owners.

Sec. 3. That if the said board of aldermen shall permit any property owner or owners to do the required work and the same being in progress shall be inferior either in material or construction to the work specified in the resolution or ordinance directing the same, then said board may at any time revoke the privilege granted to the property owner or do the work himself and shall finish the same or change it so as to conform to the requirements of the board, the cost of such completion or change to be taxed and collected as hereinbefore provided.

Railroad crossings.

Sec. 4. That in order to protect the public in the use and enjoyment of the streets of said city of Hickory where they are crossed by the railroads within the corporate limits of the city, the said board of aldermen shall have full power and authority to prescribe ordinances against the occupation or blocking of

Speed at crossings.

said streets by any railroad trains or cars at their crossings, the rate of speed at which any streets may be crossed by moving

Gates and gate-men.

trains, and to require such railroads to erect and maintain gates and gate-men at any and all crossings where, in the opinion of the board of aldermen, such protection to the traveling public

Fines and penalties.

may be necessary, and to prescribe proper fines and penalties for the violation of any ordinance or ordinances adopted by it under the provisions of this section of this act.

Sec. 5. All laws in conflict with this act are hereby repealed and this act shall take effect from and after its passage.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 243.

AN ACT TO INCORPORATE THE PIEDMONT AND ATLANTIC RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That W. I. Everett, W. L. Parsons, J. P. Leak, William Entwistle, R. R. Little, W. M. Little, J. P. Little, W. N. Everett, D. A. Parsons, A. S. Dockery and such other persons as may be associated with them, are hereby created and declared a body politic and corporate with perpetual succession under the

Corporate name.

name and style of the Piedmont and Atlantic Railway Company,

Corporate powers.

and in that name may sue and be sued, plead and be impleaded in any court in this State, contract and be contracted with; shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift or any other way real or personal property, and holding, leasing, conveying or in any other manner dealing with the same for any of the purposes hereinafter enumerated; and the said corporation shall

have and enjoy all the rights and immunities which corporate bodies may lawfully exercise; and may have all necessary regulations for its government, not inconsistent with the laws of the United States or of the State of North Carolina. It may build branch roads from any part of its main line, not exceeding fifty miles in length.

Power to construct and operate railroad and telegraph line. Terminals and route.

Sec. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from some point on the Southern Railway between the cities of Charlotte and Greensboro, North Carolina, through the counties of Mecklenburg, Cabarrus, Rowan, Davidson, Guilford, Randolph, Montgomery, Stanly, Richmond, Scotland, Robeson, Columbus and Brunswick, to the town of Southport, North Carolina; the main line of said road crossing Little River in Richmond County and passing within one mile of the town of Rockingham, North Carolina.

Main line to pass within one mile of Rockingham.

Capital stock.

Sec. 3. The capital stock of the said railway company shall be one hundred thousand dollars ($100,000), which may be increased from time to time by the votes of its shareholders to an amount not exceeding three million dollars ($3,000,000), to be divided into shares of one hundred dollars ($100) each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him; such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in section ninety-seven of chapter two of the Public Laws of one thousand nine hundred and one for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and ten thousand dollars ($10,000) shall be the minimum subscription on which said company may be organized.

Proviso: procedure for increase.

Stock vote.

Books of subscription.

Sec. 4. That said incorporators shall have the power to open books of subscription in person or by agents duly appointed by a majority of them at such place or places as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient. Said incorporators may, when they deem proper, after twenty days' notice to the subscribers, call together the subscribers of said shares of stock at any place in or out of the State; and said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit, and at such meeting and all other meetings of the stockholders of said company each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said directors shall thereupon proceed to elect one of their number president, and to elect such other officers as the by-laws of said company prescribe, and may do and perform all other acts necessary to complete the organization

Organization.

Directors.

President and other officers.

of said company and to carry into effect the objects of this charter, in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting, said stockholders' meeting to be held annually; but if the day of annual election should under any circumstances pass without any election, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Term of directors.

Annual meetings of stockholders.

Election by ballot.

Sec. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of this company, and the persons receiving majorities of the votes cast shall be duly elected directors; and at all elections and upon all votes, when at a meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe.

Each share of stock to have one vote.

Vacancies in board of directors.

Sec. 6. The board of directors may fill any vacancies that may occur in it during the period for which it has been elected. The president of the company and a vice-president shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer shall also be elected by the directors, and may be one and the same person. In the absence of the president or secretary at any meeting of the directors, they may appoint a president and secretary *pro tempore* to fill his place, except when the vice-president is present; in that case the vice-president shall act.

Election of president and vice-president.

Secretary and treasurer.

Issue and transfer of stock.

Sec. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Power to purchase other roads.

Sec. 8. The said company shall have power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It shall have power to consolidate its franchises and property with any other road under such name as shall be agreed upon. It may assign or lease its property and franchises, or any part thereof, to any other railroad, and the road so leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though they had been originally held and constructed by the railroad so leasing or purchasing; and the road so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: *Provided*, nothing in this act shall be construed to allow the said railroad company to become the channel

Power of consolidation.

Power to sell or lease franchise and property.

Proviso: competing roads not to consolidate.

through which any competing railroad companies shall consolidate. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this State or elsewhere, and hold shares in the same. It shall have power to use any section or portion of its road before the whole of the same shall have been completed and charge for transportation of passengers and freight thereon.

Power to subscribe to stock of other corporations.

Power to use section of road before completion of whole.

Sec. 9. The said company shall have the right, when necessary, to construct its said road across any public road or other railroad, or alongside any public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company, and which has been accepted by the board of county commissioners.

Power to cross roads and railroads.

Proviso: obstruction of public road.

Sec. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall go for the purchase of the land for the right-of-way and depot purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five and amendments thereto, or may file a petition before the Clerk of the Superior Court of the county wherein the land lies specifying the objects for which the land is desired, with a description and plot thereof. The Clerk of the Superior Court shall thereupon issue a summons or notice to the owner, returnable to a day certain after ten days' notice, and after a hearing shall, if not sufficient cause is shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damages of the land or right-of-way taken. In assessing the damages jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto; but general benefit pertaining to the public shall not be considered in reduction of damages. If the petition shall pray for condemnation of the right-of-way only, the consideration or damages allowed shall be for the said easement only, but if for depot or building purposes, the consideration or damages shall be for the fee. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of

Procedure for condemnation of land.

the register of deeds after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed.

Appeals. Either party may appeal to the Superior Court in term-time from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the the approval or disapproval of the clerk.

Limit on power of condemnation. Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of its road-bed, measured from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and warehouses it may condemn not exceeding two acres in any one place; and in all cases where land or rights-of-way have been condemned the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and in such case within two years from the removal of said disabilities.

Subscriptions of counties, townships, cities and towns authorized. Sec. 12. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of said company or for bonds issued by the same in the following manner:

Procedure. Upon presentation of a writing signed by not less than one-fourth of the freeholders, being qualified voters of any county, township, city or town, to the board of commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside a proposition to subscribe a definite sum named to said stock or bonds of said company, the board of commissioners of said county or proper authorities of said city or town, may, in their discretion, order a

New registration. new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote

Ballots. who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general

Notice of election. election laws of the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house door of said county and at every polling place of said county, township, city or town where the said election shall take

place; and the return thereof shall be made to the board of commissioners of said county or proper authorities of said city or town. Returns of election.

Sec. 13. If a majority of the qualified voters vote for subscription then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscription, and shall issue coupon bonds to the amount of said subscription in order to pay the same; and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in a denomination of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000) each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate. Subscriptions made. Bonds issued. Denomination. Maturity. Interest.

Sec. 14. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purposes for which they were levied and collected and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds. Special tax in counties and townships voting subscription. Fund kept separate. Investment of sinking fund.

Sec. 15. It shall be lawful for the said Piedmont and Atlantic Railway Company chartered by this act to issue coupon bonds in such denomination and running for such time and having interest at such a rate and payable at such a time and places as the board of directors may direct, to be sold or hypothecated by the direction of said company, and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or in case the road may be divided and built in sections, which the said company is authorized to do, such mortgages may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Richmond County, and upon regis- Power of company to issue bonds and mortgage. Registration of mortgage.

tration in Richmond County, it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes.

Directors of penitentiary may hire convicts to company.

Sec. 16. That the board of directors of the penitentiary may, on the application of the president of said company, approved by the Governor, turn over to said company convicts not otherwise appropriated, not less than two hundred in number, to be worked in construction of said road, on such terms as may be agreed upon; said convicts to be guarded and superintended by the authorities of the penitentiary, and to be hired to said company as provided by law.

Stockholders not personally liable.

Sec. 17. That the stockholders of said company, with the private citizens of other corporations, public, private or municipal, shall not be personally liable for the debts of said company.

Time for organization.

Sec. 18. The company hereby incorporated may organize at any time within two years from the ratification of this act.

Sec. 19. That all laws or parts of laws in conflict with the provisions of this act, so far as they affect the provisions of this act, are hereby repealed, and this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 244.

AN ACT TO ALLOW THE CITY OF WILMINGTON, NORTH CAROLINA, TO ISSUE BONDS FOR STREET IMPROVEMENT.

The General Assembly of North Carolina do enact:

Bond issue authorized subject to approval of voters.

Section 1. That the board of aldermen, by and with the concurrence of the board of audit and finance, of the city of Wilmington, North Carolina, after a majority of the qualified voters of the city of Wilmington shall have approved and authorized the same as hereinafter provided, is hereby authorized and empowered to issue bonds in the name of the city of Wilmington, North Carolina, in such denominations and forms as it may determine, in an amount not to exceed four hundred thousand dollars ($400,000), payable at such times and at such places as the said board of aldermen and the board of audit and finance may prescribe: *Provided,* that the time of payment of such bonds shall not be less than thirty (30) years and not more than fifty (50) years from their date.

Denominations.

Amount.

Maturity.

Interest.

Sec. 2. That said bonds shall bear interest at no greater rate than five per centum per annum, and that the interest shall be

payable annually or semi-annually, as the board of aldermen and board of audit and finance may prescribe, and the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Bonds not to be sold below par.

Sec. 3. That said bonds shall be signed by the Mayor of the City of Wilmington, North Carolina, attested by the city clerk and treasurer and sealed with the corporate seal of said city, and shall have interest coupons attached thereto, which said bonds and coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable in payment of city taxes. That, for the purpose of paying said bonds at maturity and the coupons as they become due, it shall be the duty of the board of aldermen and the board of audit and finance, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subject of taxation under the charter of said city and the general law, and in the manner and at the same time as other taxes are collected under said charter and the general law: *Provided*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose; and it shall be the duty of the board of audit and finance, as said coupons are paid off and taken up, to cancel the same and report, not less than twice a year, to the board of aldermen the numbers and amounts so cancelled. How bonds authenticated. Exemption from city tax. Coupons receivable for city taxes. Special tax. Proviso: specific appropriation.

Sec. 4. That the board of aldermen and the board of audit and finance shall neither issue said bonds, or any of them, nor levy nor collect said tax until they have been authorized and empowered so to do by a majority of the qualified voters of said city at the regular election of the members of the board of aldermen of said city, to be held on the first Tuesday after the first Monday of May, one thousand nine hundred and seven, it being the seventh day of May, one thousand nine hundred and seven; and the same rules and regulations as are required for elections of members of the board of aldermen shall govern the election required by this act, to-wit: Those set forth in subdivision seven of chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina and any amendments thereto; and at said election those favoring the issue of said bonds and the levy and collection of the tax for the payment of said bonds and coupons shall vote "For Street Improvement," and those opposing it shall vote "Against Street Improvement." Bonds not to be issued unless authorized by majority of qualified voters. Date of election. Law governing election. Ballots.

Sec. 5. Should a majority of the votes cast at the election to be held as aforesaid, or at any future election herein provided for, be "Against Street Improvement," such rejection on the part of the voters shall not operate to prevent a resubmission of the same proposition to the qualified voters of the said city of Wilmington at any other time or times that the said board of alder- Successive elections.

Proviso: interval of one year between elections.

Proviso: law governing elections.

men and board of audit and finance may designate: *Provided, however,* the question of issuing said bonds shall not be submitted within a period of twelve months from and after any election held hereunder: *Provided further,* that at any and all elections held under the provisions herein the same rules and regulations shall govern as are then in force for the regulation and conduct of elections of members of the Board of Aldermen of the City of Wilmington.

Purpose of bonds.

Sec. 6. That the bonds issued under this act shall be for the purpose of grading, curbing, macadamizing, paving, draining and improving the streets of the city of Wilmington.

Commissioners of streets established.

Sec. 7. Should the issuance of the bonds hereinbefore provided for be authorized at the election to be held as aforesaid, then and in that event a commission, to be known and designated as "Commissioners of Streets," is hereby established. Said commission shall be composed of five members, one from each of the five wards of the city of Wilmington, none of whom shall be an officer or an employee of said city. The members of the said commission from the first, second and third wards shall be elected by the board of aldermen of said city, and the members from the fourth and fifth wards by the members of the board of audit and finance of said city, all of whom shall hold their said offices for a term of four (4) years from and after their election, and their successors shall be elected in like manner as in this section hereinbefore provided, and for the terms hereinbefore respectively designated.

Election of commissioners.

Term of commissioners. Election of successors.

Organization.

Clerk and other officers.

Sec. 8. Said commission shall organize by electing one of its members as its chairman, and shall have power and authority to employ a clerk and such other officers as may be necessary to properly carry out the duties imposed upon said commission by this act, and the compensation of said commission and of the officers and employees thereof shall be fixed by the board of audit and finance of said city.

Compensation of commissioners, officers and employees.

Powers of commissioners.

Sec. 9. That said commissioners of streets shall have entire supervision and control of the construction, paving, draining and repairing of the streets, sidewalks and alleys of said city and the character and location of all such work, subject, however, to the provisions hereinafter contained relating to the construction of sidewalks. All work done by said commission, materials furnished and improvements made, shall be awarded by contract after due and reasonable advertisement for bids therefor.

Contracts for work, material and improvements.

Proceeds of bonds to be separate fund.

Sec. 10. That the proceeds derived from the sale of said bonds, whenever received, shall be turned over to the city clerk and treasurer, which said fund shall be kept by him separate and apart from the general funds of the city, and the same shall be paid out and disbursed by him only upon warrants and drafts drawn upon him by said commissioners of streets and signed by their chairman and at least one other member of the commission.

Warrants for payment.

Sec. 11. Said commission shall, on the first Monday of each month, file with the Board of Aldermen and the Board of Audit and Finance of the City of Wilmington an itemized statement of all warrants drawn by it on the city clerk and treasurer, with the names of the payees, the amounts and purposes of same, and also of all contracts made and entered into by it for the preceding calendar month; and the books to be kept by said commissioners of streets shall at all times be open for the inspection of the board of aldermen and board of audit and finance, or any committee or committees duly appointed by them or either of them, and said boards or either of them shall have power, in its or their discretion, at all times to employ competent accountants and auditors to examine and audit the same. Itemized monthly statements. Books open for inspection. Accountants and auditors.

Sec. 12. The board of audit and finance of said city shall determine who, if any, of the officers and employees herein provided for shall give bond and the amount thereof. Bonds of officers and employees.

Sec. 13. Any member of said commission may at any time be removed from office for just and reasonable cause by the power appointing him, and any vacancy thus created, or any vacancy caused by death, resignation or otherwise, shall be filled for the unexpired term by the same power and in the same manner as hereinbefore provided for. Removal for cause.

Sec. 14. That it shall be the duty of the duly appointed assessors of real estate for taxes of the township of Wilmington, before the first day of June of each year, to view and examine such real estate in said city that abuts on any street or streets that may have been, prior to the first day of January of such year, improved under the provisions of this act, and which has not been previously specifically assessed for such improvement, and if in their opinion the value of any such real estate so abutting as aforesaid has been increased or enhanced by reason of any such improvement, to increase the assessed value thereof by such an amount as the same has been enhanced by such improvements, and the taxes levied thereafter shall be upon a basis of such new assessment or assessments: *Provided, however*, that any owner or owners of any real estate reassessed as aforesaid shall have the same right of appeal from any such assessment as is now provided by law in cases of general assessments of real estate for taxation: *Provided, however*, that no further charge or assessment for such particular improvement or improvements, other than is hereinbefore in this section provided, shall be made and imposed upon and against any real estate so abutting on said street or streets so improved as aforesaid: *Provided further*, that nothing in this act contained shall in any manner affect, impair or repeal any liability, rights or remedies which have heretofore accrued to or vested in said city of Wilmington by reason of any improvements heretofore made by said city upon any of the streets therein by virtue and in pursuance of the Increase of assessment on property improved. Taxes on new assessment. Proviso: right of appeal. Proviso: no other charge or assessment. Proviso: rights accrued under former improvements not affected.

provisions of any law or laws heretofore enacted with reference thereto.

Orders, rules and regulations.

Sec. 15. That the mayor and board of aldermen of said city are hereby authorized and empowered to make, pass, ordain and enforce any and all orders, rules and regulations that may be necessary and proper to carry out the provisions of this act.

Gas, water and sewer connections to be made pending improvement of streets.

Sec. 16. And for the preservation and protection of the pavements and improvements herein provided for the commissioners of streets of said city shall have and are hereby given power and authority, in all cases where any of the public streets or alleys of said city whereon gas, water and sewer pipes have been laid or are conveniently accessible are being paved or are about to be paved, to require the owner or owners of any lots or parcels of land bordering on or abutting thereon, under the supervision of the city engineer, to make proper branch gas, water and sewer connections for such lots or parcels of land from said gas, water and sewer pipes to the edge of such lots or parcels of land, upon like notice and terms and under the same regulations as are hereinafter provided for paving sidewalks; and upon failure of the owner or owners of such lots or parcels of land to make such connections within the time required, said commissioners of streets may make such connections and charge the cost thereof against the said lots or parcels of land in the same manner as herein provided in the case of sidewalks, and such cost so charged shall constitute a lien upon such lots or parcels of land to the same extent, to be enforced and collected in the same manner as the liens hereinafter provided with respect to the sidewalks in said city: *Provided further*, that in all such cases as are herein mentioned the commissioners of streets of said city may require any person, firm or corporation owning or using gas mains, gas pipes, water pipes and sewer pipes, or any other pipes whatever, or underground electric or other wires, in or under said streets so being paved or about to be paved, to forthwith make all of their lateral connections in said streets at least to the edges thereof before the said streets are paved, so as not to interfere with the progress of the paving; and for failure for twenty days after notice of said requirement to comply with same, said person, firm or corporation so in default shall thereby forever thereafter forfeit the right to use said street for the purpose aforesaid, and the board of aldermen of said city may, at its discretion, remove said gas mains, pipes and wires from said streets.

Connections made by city on default of landowner.

Cost a lien on lands.

Proviso: lateral connections to all pipes and conduits made pending street improvement.

Forfeit for default.

Owners of lots to pave and repair sidewalks.

Sec. 17. Whenever any streets in said city shall have been graded, guttered and curbed in whole or in part, including sidewalks, it shall be incumbent on the owner or owners of the land along said streets or parts thereof so improved to pave, repave and repair, whenever in the opinion of the commissioners of streets it may be necessary, the sidewalk on their own sides respectively the full width across their respective fronts with such material

and in such manner as the commissioners of streets of said city shall direct. Whenever any street shall have been graded, guttered and curbed, the commissioners of streets of said city shall, through the city clerk and treasurer, notify the owner or owners of the land fronting or cornering thereon at once to pave, repave or repair, as may be required, the sidewalks thereof as hereinbefore provided; and should such owner or owners fail for fifteen days after such notice to comply therewith, said commissioners of streets, unless they shall extend the time therefor, shall cause said sidewalks to be built, repaved or repaired and charge the cost thereof against such lots respectively, and cause the same to be entered by the city clerk and treasurer in a book to be kept for that purpose, and the said clerk and treasurer shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of said city. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots upon which they are charged, and if any of them are not paid on demand, so much of the lot upon which it is charged as may be sufficient to pay the same with interest and cost, or the whole of such lot, shall be advertised and sold by the city clerk and treasurer of said city for the payment of the same, under the same rules and regulations and rights of redemption and in the same manner as prescribed by the charter of said city and general law for the sale of real estate for unpaid taxes; but said commissioners of streets may, in their discretion, divide any such charges in such manner that the same may be paid in three quarter-annual installments from and after the commencement of such work, with interest thereon at six per centum per annum from the date of such commencement: *Provided, however*, that nothing in section fourteen (14) of this act shall conflict with the provisions of this section applicable to sidewalks.

Notice to owners.

Work done by city on default of owner.

Cost charged to lots and collected as taxes.

Charges a lien on lots.

In default of payment lot sold as for taxes.

Charges may be paid in installments.

Interest.

Proviso: provision as to increased assessments not to conflict.

Sec. 18. That any and all street railways or railroads, which have heretofore constructed or may hereafter construct any such roads over the streets of the city of Wilmington, shall do so only upon the following conditions, to-wit: First, that they shall use only such rails and of such character as shall be designated by the commissioners of streets of said city; second, shall properly place, grade and complete the street and pave the same between the lines of rails, including the space between double tracks and for eighteen inches upon the outside of each rail, with such material, in such manner and at such grade as they shall be directed by the commissioners of streets of said city; third, and the said railroad or railway company shall be required to keep the said streets between its rails, including the space between double tracks and for eighteen inches upon the outside of each rail, in good condition and repair, as required by the commissioners of streets of said city, as long as the same shall be used by the

Conditions for use of streets by street railways or railroads.

Rails to be designated by commissioners of streets.

Paving, grading and completion of streets to be directed by commissioners of streets.

Company to keep streets between rails and for eighteen inches outside in good repair.

Work done under direction of commissioners on default of railroad or railway company.

said railway or railroad company; fourth, that in case any such railroad or railway company shall fail to comply with the conditions of this act or to keep the streets as above required in a proper condition and repair, as required by the said commissioners of streets, then the said commissioners of streets may cause the same to be done, and the cost thereof shall be taxed against and shall constitute a lien upon the property of said railway or railroad, and the same shall be collected as hereinbefore provided to collect liens against abutting owners for improvements to streets, and such failure may also, in the discretion of the said commissioners of streets, operate as a forfeiture of the rights of said railroad or railway to pass over the streets of the city.

Cost to be taxed against and constitute lien on property of delinquent company.

Forfeiture of right to use streets.

Act inoperative if bonds not voted.

Sec. 19. Should the bonds authorized to be issued under this act be not approved by a majority of the qualified voters at the election or elections herein provided for, then and in that event this act shall be and become inoperative and void, and all laws and clauses of laws now in force affecting in any manner the streets and sidewalks of said city of Wilmington and the construction and improvement thereof shall remain and be in full force and effect.

Present laws to remain in force.

Sec. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2nd day of March, A. D. 1907.

CHAPTER 245.

AN ACT TO INCORPORATE THE GUARANTY, REALTY AND SECURITY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That J. A. Odell, T. A. Hunter, C. A. Bray, A. B. Bray, C. W. Banner, J. E. Brooks, J. P. Sanders, W. H. Osborn and Dred Peacock, together with such other persons as they may associate with them, their successors and assigns, be and they are hereby created and constituted a body politic and corporate under the name of Guaranty, Realty and Security Company, by which name they may sue and be sued, plead and defend, and shall have the right to adopt and use a common seal, and to make such by-laws, rules and regulations as they may deem best for the betterment of said corporation, not inconsistent with the laws of the State, and shall have continual succession for the term of sixty years, with all the rights, privileges, powers and franchises pertaining to a corporation.

Corporate name.

Corporate powers.

Capital stock.

Sec. 2. That the capital stock of said corporation shall be ten thousand dollars ($10,000), divided into one hundred (100) shares of the par value of one hundred dollars ($100) each, which said capital may be increased at any time, or from time to time, by a

vote of the majority of the stockholders, to any sum not exceeding one hundred and twenty-five thousand dollars ($125,000): *Provided*, such fees for such increase be paid to the Secretary of State as are provided by law in such cases. When said ten thou- Organization.
sand dollars ($10,000) of said capital stock is subscribed, the corporators above named, or any five of them or their assigns, shall be deemed and held ready and capable to organize, which they Directors.
shall do by electing a board of directors to consist of not less than five or more than fifteen persons, who shall serve for one year or Term.
until their successors are elected and qualified, unless it be otherwise provided in the by-laws adopted at such meeting; and such President.
directors so chosen shall proceed to elect a president, whose term Term.
shall expire at the expiration of the term of the directors, unless it be otherwise provided in the by-laws; and such board of direc- Other officers.
tors shall elect at such time as it shall see fit a vice-president, a secretary and a treasurer (provided that the offices of secretary and treasurer may be filled by one and the same person), and such other officers as it thinks necessary, and increase or diminish the number of said officers at pleasure; and no person shall Officers to be stockholders.
be elected a director, president, vice-president or treasurer unless he be a stockholder in said corporation. The directors shall re- Bonds required of officers.
quire of the treasurer and such other officers of the corporation as they may deem advisable such bonds and securities for the honest and faithful discharge of their duties as said directors may order. That the increase of capital stock of said corporation, Increase of capital.
provided for in this section, shall be made either by individual subscription to stock or by application of the surplus earnings of said corporation to such purpose, and if such increase shall be from the earnings of the corporation the directors shall have the power to declare stock dividends to the said stockholders *pro rata*. Stock dividends.
At all stockholders' meetings each share of stock shall be entitled Each share of stock entitled to one vote.
to one vote either in person or by proxy. The stockholders of the corporation shall be individually liable equally and ratably, Individual responsibility of stockholders.
and not one for another, for all contracts and debts of the corporation to the extent only of the par value of the stock by them respectively subscribed for. That said corporation shall have When to begin business.
authority to transact business whenever said one hundred (100) shares of stock have been fully subscribed to the capital stock, and the sum of fifty dollars ($50) per share shall have been paid in upon such subscription; further assessments shall be paid in as called for by the directors until all of said capital stock, amounting to ten thousand dollars ($10,000), shall have been paid up in full.

Sec. 3. That said corporation shall be and it is hereby author- Formal enumeration of powers.
ized and empowered to have, purchase, receive and possess lands, tenements, hereditaments, rents, stocks, goods, chattels and effects of whatever nature or quality, either real or personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament,

legacy, loan or otherwise, and by any other mode of conveyance or transfer whatever; and the same to give, bargain, sell, convey, release and dispose of, for the whole or any less estate, the property that said corporation has in the same, and also to improve and augment in such manner and form as said corporation by its by-laws and regulations shall direct; and shall and may apply the rents, issues, income, interest and profits of said estate and the moneys arising from the sale, alienation, disposal or improvement thereof to the uses, ends and purposes of its creation, according to the rules, regulations and orders of the corporation, as fully and effectually as any natural person, body politic or corporate within the State can or may perform.

Powers in dealing with property.

Sec. 4. That said corporation shall have and is hereby given the power and authority to purchase or otherwise own and deal in stocks, bonds, mortgages, debentures, securities and obligations of every nature, and to receive, collect and dispose of interest, dividends, income upon, of and from any of the stocks, bonds, mortgages, debentures, securities and obligations and other property, and any and all rights, powers and privileges of individual owners thereof; to do any and all acts and things tending to increase the value of the property at any time held by the corporation; to furnish capital, material, etc., in the organization and development of corporations and business enterprises; to borrow money for use in its corporate name and to secure the same by obligations, pledges, mortgages or otherwise; to issue bonds and debentures, with right of redemption subject to the terms, conditions, restrictions and limitations contained in the by-laws, which terms, conditions, restrictions and limitations shall also be expressed upon the face of said bonds or debentures and constitute a part thereof; and shall have power to lend money on mortgages and receive as security therefor its own bonds or debentures or certificates of indebtedness, with power to grant and purchase annuities, including the power to act as agent for leasing, managing, mortgaging, buying, selling and improving real estate, and to act as agent or on its own account in buying and selling stocks, bonds, mortgages, debentures, securities and obligations of every nature, and to collect interest or dividends thereon, and to act as agent in the management and investment of estates or funds of every nature, with full power of agency in the premises, and to act under appointment made by power of attorney by will or deed or otherwise in any manner, transaction or thing whatsoever, with power to guarantee the payment of principal and interest of mortgages and other securities, and in general to make any contract or guaranty which the directors may deem advisable, and to charge and receive for such services such sums as may be agreed upon.

Powers in dealing in stocks, bonds and property of like nature.

Sec. 5. Said corporation shall have and is hereby given power to raise money by the issue of shares, bonds, debentures or certifi-

cates, and to invest the money so raised in the purchase of, or otherwise to acquire and hold, any stocks, bonds, debentures, shares, scrip or security issued or having any guaranty by any government, municipality, trust, legal authority or other body, incorporated or unincorporated, public or private, of the United States or any country or State under the protection of the United States; or any stocks, bonds, debentures, shares, scrip or security issued or having any guaranty by any corporation or company incorporated, constituted or carrying on a business in the United States or elsewhere; to acquire any such investment as aforesaid by original subscription, underwriting, participation in syndicates or otherwise, and whether or not fully paid up, and may make payments thereon as called for or in advance of calls or otherwise, and to underwrite or subscribe for the same conditionally or otherwise, and either with a view of investment or resale or otherwise, and to vary the investment of the company; and generally to sell, exchange or otherwise dispose of or deal in and turn to account any of the assets of the company; to negotiate loans; to offer for public subscription or otherwise aid or assist in placing any such investments as aforesaid; to give any guaranty in relation to any such investment issued by or acquired through or from the company; to offer for public subscription any shares of stock in the capital, or debenture of stock or other securities, or otherwise to establish or promote or concur in establishing or promoting any company, association, undertaking or public or private body; to take, make, execute or enter into, commence, carry on, prosecute or defend all contracts, agreements, negotiations, legal and other proceedings, compromises, arrangements and plans, and to do all other acts, matters and things which shall at any time appear conducive to or expedient for the protection of the company as holder of or interested in any investments and securities as aforesaid.

Powers as guarantee company.

Sec. 6. That said corporation shall have and is hereby given power and authority to guarantee the payment of principal or interest of existing bonds, bills of exchange, acceptances, checks or other securities or evidences of debt, including the obligations of such corporations as may have secured their payment by deed of trust or otherwise, and to receive such compensation as may be agreed upon by the parties.

Powers as surety company.

Sec. 7. That said corporation shall have and is hereby given full power and authority to act as surety for any person or persons or corporations, upon the bonds of public or private persons, agents or clerks doing business of trust or confidence, and also upon bonds for cost in any case in any of the courts of the several States of the United States, also to guarantee the fidelity of persons in positions of trust, private or public, and to act as surety on official bonds and for the performance of other obligations, as well as to guarantee the validity of titles to real estate

Title guarantee business.

and other property, and generally to do a title guaranty business, and to charge and receive for such services such sums as may be agreed upon: *Provided*, such company shall comply with the laws of the State relative to surety companies.

Powers as trust company and in fiduciary capacities.

Sec. 8. That said corporation shall have and is hereby given power and authority to accept and execute trusts of all kinds which may be committed to its care, with its consent, by any person or persons whomsoever, or by any corporation or corporations, or by any court in this or any other State or Territory of the United States; to act as trustee, executor, administrator, guardian, committee of lunatic, or committee of habitual drunkard, commissioner, assignee, receiver, broker, factor, agent or attorney for any person or corporation, and for its services shall receive such fees and compensations or emoluments as are or may be allowed to individuals in like cases. And in lieu of the bond or undertaking required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful for said corporation to file in the office of the Clerk of the Superior Court of Guilford County an undertaking in the sum of not less than ten thousand dollars ($10,000) with sufficient security, either personal surety or bonds of the State of North Carolina, or of the United States, or of any county or city in the State of North Carolina, or any other surety satisfactory to the said clerk, and to be approved by him, and the said undertaking shall be conditioned for the faithful performance of any and all trusts which may be committed to the said corporation by order of any court of said State, and it shall be renewed every three years. In case of default in the performance of any trust so committed to said corporation, said undertaking may be sued upon by or for the party injured, or his legal representative, in the Superior Court or any court of any county in the said State where such default shall have been made. A copy of such undertaking, duly certified by the Clerk of the Superior Court of Guilford County under his official seal, shall be evidence in the courts of said State. Whenever it shall be made to appear to the satisfaction of the Clerk of said Superior Court that it is necessary, in order to secure the faithful performance of all of said trusts, he may require the said undertaking to be increased to such an amount as he may deem sufficient. And the Superior Court of any county, or the Judge of the Superior Court having jurisdiction of such matters, whenever any such trust shall have been committed to said corporation, shall have the power to make orders respecting such trusts and to require it to render all accounts which said court might lawfully make or require of natural persons; and in accepting any trusts or powers hereunder said corporation may qualify by one of its executive officers. That said corporation shall have discretionary power to invest the funds

Undertaking in lieu of bond.

Courts may appoint company in fiduciary capacities.

Investment of trust funds.

received by it in trust in bonds of the United States or any State, or the bonds duly authorized to be issued by any county or incorporated city, or other good securities, or in safe real and personal securities; but all such investments shall be at the sole risk of said corporation, and for all losses by reason of such investment the capital stock, property and effects of said corporation shall be absolutely liable. The corporation shall use due diligence to enhance the yearly rents and profits of any trust estate in its hands, but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investment.

Powers as savings bank.

Sec. 9. That said corporation shall have the right to do a general savings bank business, receive deposits from, or make loans for, and obtain and procure loans for any person, company, corporation, co-partnership or association, including apprentices, minors, and *femes covert;* to invest its own money or the money of others; to loan and invest money on or upon the security of mortgage, pledge or deed of trust, lend money upon, purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable and commercial paper, or any credit, or any personal property, and sell, invest or dispose of the same, and to charge no rate of interest except that allowed by law, with the power to act as trustee in the mortgages or deeds of trust securing bonds or other corporate obligations.

Interest on deposits.

Sec. 10. That said corporation shall pay to its depositors who allow their deposits to remain two years or more such lawful rate of interest as the directors may agree upon, such rate of interest to be computed annually or at such other short periods as the directors may agree upon, and added to the principal as a deposit, and the directors may prescribe and provide the terms on which deposits may be made, evidenced and withdrawn as a condition precedent to an agreement on the part of the corporation to pay interest thereon.

Transfer of stock.

Sec. 11. That the stock of this corporation held by any person shall be transferred only on the books of the corporation, either in person or by power of attorney.

Principal office. Branch offices.

Sec. 12. The principal office of said corporation shall be in the county of Guilford, State of North Carolina, but the directors may establish branch offices at such other places as may be deemed advisable by said board of directors.

Power to act as fiscal agent.

Sec. 13. That said corporation shall have and is hereby given power to act as fiscal transfer or business agent for any State, county, city, municipality, body politic, or corporation, for any person or persons, and in such capacity may receive and disburse money, negotiate, sell, transfer and register certificates of stock, bonds or other evidence of indebtedness.

Power to act as insurance agents.

Sec. 14. Said corporation shall have and is hereby given power to act as agents or brokers in the business of marine, fire, life, accident, fidelity, casualty, employer's liability and every other form of insurance in all of its branches.

Sec. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 246.

AN ACT TO RE-CHARTER THE TOWN OF BELHAVEN, BEAUFORT COUNTY, AND TO REPEAL FORMER CHARTER.

The General Assembly of North Carolina do enact:

Charter of town and amendments thereto repealed. Proviso: present officers to fill out terms.

Section 1. That the charter of Belhaven and all amendments thereof be and the same are hereby repealed: *Provided, however,* that the members of the present board of aldermen, mayor, chief of police, city clerk, treasurer and all the appointive officers, except such as may be removed for cause or otherwise, shall continue to serve until their present terms expire or their successors are elected and qualified.

Corporate limits.

Sec. 2. The corporate limits of Belhaven shall be bounded as follows: Beginning at the north corner of the I. O. O. F. cemetery, thence westwardly with the cemetery road to the new Bullock road; thence with said road to the Bullock railroad crossing; thence south forty-seven degrees west to the channel of Pantego Creek; thence with said channel of Pantego Creek to the channel of Pungo River; thence with said channel of Pungo River to Baker's Creek; thence up said Baker's Creek to Jones' Creek; thence up said Jones' Creek to the lead ditch of Ryan and Simmons; thence up said ditch to the public road; thence with said public road to a black gum in a branch at north corner of J. G. Jackson's line; thence a direct course to the northeast corner of the back line of the Interstate Cooperage Company's tenement property; thence with said back line to the northwest corner of said company's tenement property; thence a direct line from said northwest corner of said company's tenement property to the beginning.

Town elections.

Sec. 3. The first election for the corporation of Belhaven shall be held on the second Monday in April, one thousand nine hundred and seven, and there shall be held successive elections in

Officers to be elected.

said town biennially thereafter. At said election there shall be elected by the qualified voters of the said corporation of Belhaven a mayor, a treasurer and five aldermen, all of whom shall

hold their offices for two years, and shall be installed in office on the first Monday in May following the election. The said aldermen shall be elected, three from the east side of Haslin Street and two from the west side of said street. The board of aldermen shall have power to order a new registration of voters at any time they deem it necessary. Notice of said election shall be given at least four weeks preceding the same, and the polling places shall be designated by the board of aldermen and ballot boxes provided them. Location of aldermen. New registration. Notice of election.

Sec. 4. Every male person who is now or may hereafter be qualified to vote under the Constitution of North Carolina as now amended and under the laws of North Carolina, chapter eighty-nine, Public Laws of one thousand nine hundred and one, shall be qualified voters of said town. Voters.

Sec. 5. The registrar in said town of Belhaven shall open his books for the purpose of registering such persons as apply for registration one week prior to any election and keep same open until sunset Saturday preceding the election. Registration.

Sec. 6. The oath to be administered by the said registrar in said town shall be the same as now prescribed by and for the general elections of North Carolina. Oath.

Sec. 7. Before entering upon the discharge of his duties the registrar shall make oath before some one authorized by the laws of North Carolina to administer oaths that he will faithfully and impartially perform the duties of his office. A certificate of the administering of said oath shall be made in the registration book by the party administering the same, with the date of administration. Registrar to be sworn.

Sec. 8. The registrar and poll-holders shall meet at their polling place in said town on the Saturday before the election to hear and determine challenges made by any person registered in said town. But before they proceed to determine the rights of any person to vote, they may require proof of notice to the party challenged, which may be signed by any voters in the town, but must be served by the chief of police or any police officer of the county authorized to execute civil process. Challenge day.

Sec. 9. Whenever it is decided that a party registered is not entitled to vote, the registrar shall erase his name from the books, writing the date of the erasure and the cause thereof. In case the poll-holders cannot agree the registrar shall cast the deciding vote. Names to be erased from book.

Sec. 10. On the morning of the election the registrar and poll-holders of the town shall meet at their polling place, and after being duly sworn shall proceed to open the polls at six o'clock and thirty minutes A. M., and receive the votes, depositing the same in the boxes prepared for that purpose. The polls shall be closed at six thirty P. M. Time of opening polls. Time for closing polls.

Registrar to check voters. Poll-holders to keep list.

Sec. 11. The registrar shall check off the name of each man as he votes, and the poll-holders shall keep a list of those who vote.

Count of votes.

Sec. 12. Immediately upon closing the polls the poll-holders and registrar shall proceed to count the votes cast for all the officers voted for, in the presence of such voters as may desire to attend, and make two certificates thereof, one of which is to be returned to the chief of police and the other to the clerk, to be turned over by them to the board of aldermen, who shall canvass the votes. Whoever shall receive the greatest number of votes in said town for mayor shall be declared elected mayor for the term of two years; whoever shall receive the greatest number of votes in said town for treasurer shall be declared elected treasurer for the term of two years; whoever shall receive the greatest number of votes in said town for aldermen shall be declared elected aldermen for two years.

Canvass of votes.

Who declared elected.

Law governing elections.

Sec. 13. The vote shall be counted and canvassed by the said poll-holders and registrar of election according to the laws of North Carolina, chapter eighty-nine, Public Laws of one thousand nine hundred and one, and there shall be two ballots and two boxes at the polling place; there shall be one ballot to contain the names of the aldermen, which shall be deposited in one box, and there shall be another ballot to contain the names of the mayor and treasurer, which shall be deposited in the other box; and the said ballots may be printed or written on white paper with or without device.

Certificates, registration and poll books filed.

Sec. 14. The certificates to the clerk, the book of registration and the list kept by the poll-holders and registrar shall be filed with the clerk of the board of aldermen within three days after the election, and the clerk shall notify the aldermen, mayor and treasurer elect of the election within five days thereafter.

Clerk to notify officers-elect.

Sheriff to hold election on failure of town officers.

Sec. 15. Should the present board of aldermen or the clerk fail to perform the duties imposed on them in any of the preceding sections within five days from the time when same ought to have been done, the Sheriff of Beaufort County is hereby directed and empowered to make the appointments and perform the acts imposed upon said aldermen and clerk.

Aldermen to qualify and assume office.

Sec. 16. On the first Monday in May, one thousand nine hundred and seven, the aldermen-elect, after having taken and subscribed an oath or affirmation before some justice of the peace for said county to support the Constitution of the United States and the Constitution of North Carolina and to perform faithfully the duties of their office (which oath or affirmation shall be entered upon the minutes of the corporation, subscribed as aforesaid and attested by some justice of the peace), shall take their seats and continue in office until their successors shall have been elected and qualified. They shall organize by electing one of their

Organization.

members chairman, who shall act as mayor in case of vacancy, absence or sickness of the mayor. They shall proceed to fill vacancies caused by death or failure to elect in the town, whether by virtue of tie or on a certificate of fraud, and shall fill any and all vacancies in any office, elective or appointive, which may occur during their term of office. Vacancies to be filled.

Sec. 17. After said board has been organized it may proceed to the election of a clerk, chief of police, city attorney, street commissioner, chief of fire department, health officer and as many policemen as it deems necessary, who shall hold office during the term of the board of aldermen appointing them: *Provided, however*, they shall be subject to removal at any time by the board for misconduct or other causes upon charges preferred by any member of the board and heard before and sustained by a majority of the board. Election of clerk, chief of police, city attorney, street commissioner, chief of fire department, health officer and policemen. Term of officers. Proviso: subject to removal for cause.

Sec. 18. The Board of Aldermen of Belhaven shall have power to make and provide such ordinances for the government of the town as it may deem necessary, not inconsistent with the laws of the land, and it shall have power by all needful ordinances to secure order, health, quiet and safety within the town limits and for one mile beyond; to establish one or more markets and to require the sale of such articles therein it deems proper; to take all necessary means to prevent and extinguish fires; to make regulations for the observance of the Sabbath; suppress and remove nuisances; control and regulate keeping powder in the town; to regulate the speed of riding and driving on the public streets; to keep or require to be kept the sidewalks clear of all obstructions; to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets at the expense of the owners of the adjacent lots who may refuse to do the same on five days' notice from the mayor of the town; and shall regulate buildings and building material within specified limits. It shall also have the right to regulate the charge for the carriage of persons, baggage and freight by omnibus or other vehicles and issue license for same. The board of aldermen shall have the authority to appoint an inspector of meats, fish, oysters, vegetables and milk, and to pay said inspector such a salary as it may deem necessary, not to exceed one hundred dollars per annum. Power of aldermen.

Sec. 19. The board of aldermen shall have power to fill any vacancies in the board that may occur during its term of office, and also to appoint all officers it may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their term of office. That any vacancies in any of the offices of said town from any cause, death, disability, removal from office or otherwise, shall be filled by the board of aldermen. Power to fill vacancies and appoint officers.

Quarantine powers.

Sec. 20. The board of aldermen may take such means as effectual to prevent the entrance into the town of any infectious or contagious disease; may stop, detain and examine for the purpose every train, boat, conveyance or vehicle coming from places believed to be infected with such diseases; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such disease, and whose stay may endanger health, to be removed to the hospital; may remove from the town or destroy any furniture or other articles which may be suspected of being tainted or infected with contagious or infectious disease, or where there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease; and may lay a sanitary tax as hereinafter specified. With the view of preserving the health of the town, a health officer may be appointed when deemed necessary.

Judgments for expense of removing persons to hospitals.

Sec. 21. That in case any person be removed to the hospital, the board of aldermen may obtain before any justice of the peace a judgment against such person for the expense of his or her removal, support, nursing and medical attendance, and, in case of death, against his or her legal representative, and in that event, burial expenses also, if the town incur that expense.

Powers as to streets.

Sec. 22. The board of aldermen shall have power to lay out and open any new streets within the corporate limits of the town whenever by it deemed necessary, and shall have power at any time to widen, change, extend or discontinue any street or streets or any part thereof within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof. In case the owners of the land and the board of aldermen cannot agree upon a price, the said board of aldermen shall appoint five freeholders, residents of Belhaven, who shall assess the land to be condemned and make report to the board of aldermen. If the board of aldermen accept the report made, it shall pay or tender to the said land-owner the amount in legal tender of this country, and thereupon the title shall become vested in said board of aldermen and its successors. If the land-owner shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him of his right to appeal or bring suit *de novo* for damages against the corporation for the value of the land taken.

Power to condemn land.

Procedure for assessment of damages.

Right of appeal.

Taxing power.

Sec. 23. The board of aldermen shall have the power to annually impose, levy and collect a tax for general corporation purposes (not exceeding seventy-five cents on one hundred dollars assessed valuation as made by and accepted by the County Com-

missioners of Beaufort County) upon all real and personal estate within the corporate limits of said city, and may levy a tax equal to the State tax upon all other subjects of taxation taxed by the General Assembly for public purposes; and may levy upon every person, firm or corporation who issues or sells to any person, firm or corporation or merchant any trading stamps to be redeemed by the person, firm or corporation issuing or selling same an annual tax of not more than five hundred dollars; and may levy upon every merchant, dealer or tradesman who receives trading stamps from any person, firm or corporation, or who issues, delivers or sells to customers or other persons any trading stamps to be redeemed by the person, firm or corporation issuing, delivering or selling the same, or by any other person, an annual tax of not more than five hundred dollars; and any person receiving trading stamps and having same redeemed for any article as a present, gift or otherwise shall be subject to a tax of such an amount as may be levied or assessed, not exceeding twenty dollars; and may furthermore enact an ordinance to punish such as use them, make same a misdemeanor, but the punishment shall not exceed a fine of fifty dollars or imprisonment for thirty days.

Tax on trading stamps.

Sec. 24. That, in addition to subjects liable for taxation for State purposes, the aldermen shall have power to levy and collect a specified or license tax on the following subjects, to-wit: All itinerant auctioneers, merchants or peddlers vending or offering to vend in the town; each electric light company; each telephone company; each street railway company; each broker, or brokers, dealers in patent rights, commission merchants and commercial brokers; each junk dealer; each distiller of fruit or grain; each livery stable keeper; every non-resident huckster or trader or agent of such who buys produce for sale in other markets; each rectifier or compounder of spirituous liquors; each gift enterprise or lottery; each dray, each omnibus, each circus, each traveling theatrical company; each person or company making any exhibit or show for compensation; each billiard table and pool table, each ten-pin alley used by the public; each skating rink; each oil tank in said town of two hundred gallons or over; on each butcher doing business in said town, which said tax on each butcher shall not be more than fifty dollars per annum.

License taxes.

Sec. 25. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer, cider, malt extracts, bitters or any other spirituous or intoxicating liquors, vinous or malt liquors within the corporate limits of the town of Belhaven. That any person violating this section shall be fined fifty dollars or imprisoned thirty days for each and every offense: *Provided*, that the board of aldermen shall have a right to levy a license tax upon all persons selling by retail any cider, malt extracts,

Sale of liquors forbidden.

Punishment.

Proviso: license tax for selling non-alcoholic beverages of not less than $1.000.

bitters or other non-alcoholic beverages, said tax not to be less than one thousand dollars annually.

Power as to animals running at large.

Sec. 26. That the aldermen shall have power to declare all domestic animals or fowls running at large within the corporate limits of the town a nuisance and sell same; and the aldermen may at their option impose a fine of ten dollars upon the owner or owners of said animals or fowls running at large, or may treat the same as a nuisance, and have it abolished in such a way as seems to said aldermen best.

Power in abatement of nuisances.

Sec. 27. That the board of aldermen may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing same or the owner or tenant of the ground, wherever the same may be. It may also prevent the establishment of and regulate, if allowed to be established, any slaughter house or place, or the exercise within the town of any offensive or unhealthy business, trade or employment.

Tax for fire engine and fire apparatus.

Sec. 28. In addition to the tax hereinbefore permitted to be levied on real and personal property within the corporate limits of the town, the aldermen are hereby empowered to levy a tax not to exceed seven cents on the one hundred dollars assessed valuation of said real and personal property, for the purpose of defraying the necessary expenses of keeping the fire engine and extinguishing apparatus in good condition and repair, and of defraying the expenses of the fire department. The chief of the fire department shall have supervision of the fire department, and shall make report of the expenses of the fires extinguished, estimated amount saved, labors and general services of the fire department, the loss of the property estimated and such other statements as may be proper, said report to be made every month to the board of aldermen.

Chief of fire department.

Reports.

Powers in checking progress of fire.

Sec. 29. The fire chief shall be present at each fire and have control of the fire department, and if he deem it necessary to check the progress of any fire, he may cause any house or houses to be pulled down or blown up, and shall not be liable to any person for the damages caused thereby. But should the fire chief be absent, then the foreman of the Fire Company Number One shall be vested with the powers herein conferred on the fire chief; and should the foreman of Fire Company Number One be absent, the mayor shall be vested with the powers herein conferred on the fire chief. The fire chief shall be vested with power to lay hose across any street, railroad track or through any building to check any fires.

Chief to have engine at each fire.

Sec. 30. The chief of the fire department shall use his best endeavors to have the engine at each fire, and for that purpose he may use such means and aid as he deems best. And the board of aldermen is hereby authorized and permitted to make appropriations from the amount collected from the special tax men-

tioned in section twenty-eight, to be disbursed and used as it directs.

Pay and duties of fire chief.

Sec. 31. The board of aldermen may allow the fire chief not to exceed one hundred dollars per annum for his services, and the duties of the chief shall be what the State law provides. In addition to that, his duties shall be to see that all fire apparatus belonging to the corporation shall be kept in first-class order for immediate service at all times, and that all hydrants shall be inspected twice a year. It shall be the duty of the chief of the fire department to communicate in writing to the board of aldermen when a building, occupied or unoccupied, store, dwelling or warehouse within the corporate limits is a menace to property or in a dangerous or unsafe condition, and the said board of aldermen shall have the right and authority to summons the owner or agent of said building to appear before it and show cause why said building should not be removed; and should said owner or agent fail or refuse to repair or remove said building as ordered by said board of aldermen, then the said board of aldermen shall have the authority to declare said building a nuisance and order it to be removed or torn down, as it may deem best; same to be done at the expense of the owner.

Dangerous buildings to be reported.

Persons failing to pay tax or fine, penalty or forfeiture to be worked on streets.

Sec. 32. The board of aldermen shall have the power to put to and keep at work on the streets of the town any person or persons who may fail to pay any tax or fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and said aldermen shall have authority by their ordinances and by-laws to confine, control and manage such persons until the said fines and penalties or forfeiture, together with cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the aldermen may adopt.

Aldermen to receive no pay.

Sec. 33. The board of aldermen shall not receive any compensation for its services.

Duties of mayor.

Sec. 34. The mayor who shall have been elected in April, one thousand nine hundred and seven, and his successors in office shall preside at the meetings of the board of aldermen: *Provided*, in no case shall said mayor or presiding officer be allowed to vote except there be a tie vote. It shall be the duty of the mayor to communicate in writing, whenever it shall be deemed expedient, a general statement of the situation and condition of the town in relation to its government and improvement. Second, to recommend to the board the adoption by the board of aldermen of all such measures, connected with the police, security, health and cleanliness of the town, as he may deem expedient. Third, to be vigilant and active in causing the laws and ordinances for the government of the town to be duly executed and enforced. He shall have power over the police force. He shall have a general supervision of the street commissioner, with authority to direct

Proviso: no vote but in case of tie.

Further duties of mayor.

his work, and shall recommend to the board of aldermen the purchase of such material and apparatus as may be required by said street commissioner for his work. He shall countersign all town orders. For his services he shall receive a compensation to be fixed by the board of aldermen; said compensation to be paid from the general funds of the town. No one shall be eligible to the office of mayor who is a justice of the peace, and the mayor shall not have the authority granted to a justice of the peace under the laws of North Carolina. The mayor of said town is hereby constituted an inferior court for the trial of criminal cases and violation of town ordinances, and as such shall, within the corporate limits of said town, have all powers, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon ordinances and regulations of the town, to enforce penalties by issuing executions under adjudged violations thereof, and to execute the laws and regulations made by the board of aldermen. The mayor shall further be a special court, within the corporate limits of the town, to cause the arrest of and try all persons who are charged with a misdemeanor for violating any ordinances of the town; and if the accused be found guilty, he shall be fined, at the discretion of the mayor, not exceeding the amount in the ordinance or ordinances so violated; or, at the discretion of the mayor, such offender may be imprisoned not more than thirty days in the county jail or town prison. If the accused is dissatisfied with the judgment of the mayor, he may appeal in a like manner as prescribed for appeals from judgments of a justice of the peace.

Pay of mayor.

Mayor constituted inferior court.

Jurisdiction.

Mayor to be a special court. Jurisdiction.

Precepts of mayor to issue to policemen.

Sec. 35. That the mayor may issue his precepts to the chief of police or any policeman, who may execute the same anywhere in Beaufort County, or such other officers to whom a justice of the peace may issue and direct his precepts. All endorsements by the mayor of the names of witnesses upon a warrant or summons shall be the authority for the officer to execute same. The mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings.

Treasurer to give bond.

Pay of treasurer.

Reports.

Penalty for failure.

Sec. 36. The treasurer shall give bond, payable to the corporation of Belhaven, in the sum to be fixed by the board of aldermen, with sureties to be approved by said board. For his services he shall receive a compensation not to exceed one-half of one per cent. on a dollar for receipts and two per cent. for disbursements on all funds coming into his hands. He shall disburse no funds except on orders signed by the clerk of the board of aldermen and countersigned by the mayor. He shall make a report of the funds coming into his hands, at the end of the term, and for a failure to do so he shall be fined not to exceed two hundred and twenty-five dollars, to be recovered by suit in the Superior Court, for which his bond shall be responsible.

Sec. 37. He shall keep his accounts so that the tax levied and collected for each fund shall be separate, and shall pay out of each separate fund only such amounts as are due the same, and when the proceeds are paid over to him by an officer of the corporation, they shall be credited to the fund for which the tax is levied to raise revenue for the same. He shall report to the board of aldermen at each regular meeting in every months the balance he has due each fund in his hands, showing the amount due each fund by the tax levy and the amount paid into each fund and the amount paid out on account of same. Accounts of treasurer. Monthly reports.

Sec. 38. The clerk shall keep a faithful record of all proceedings of the board of aldermen; he shall keep and file all papers presented to the board, all reports made to same and all bonds; he shall keep an order book with stubs. The orders shall be consecutively numbered and shall state on face for what the order is issued. He shall not deliver the order to the payee until countersigned by the mayor; he shall sign all licenses granted by the board of aldermen, and collect the money therefor; he shall collect all taxes levied upon real or personal property, except the huckster tax; he shall have the same power to enforce and collect taxes as the Sheriff of Beaufort County; he shall collect all rents from the markets or other property of the town; he shall settle with the treasurer at the end of each month; he shall pay over to the town treasurer such sums as are collected by him for the account of each separate fund by the tax levy of the corporation, and take the treasurer's receipt for the same to the account of each fund for the amount due the same by the tax levied either for license or other tax and the corporation tax levied on railroad property by the board of aldermen, and shall furnish the town treasurer with a statement of the amount due each separate fund according to the tax levied in each and every year, when he has completed the tax book, which shall not be later than August first in each and every year. On failure to settle at said times, he shall be fined for each failure a sum not to exceed ten dollars. He shall give bond, payable to the corporation of Belhaven, with security to be approved by the board, in a sum fixed by it. His compensation shall be fixed by the board of aldermen. He shall carefully preserve all books, papers and articles committed to his care and deliver same to his successor. Duties of clerk. Penalty for failure. Bond of clerk. Pay.

Sec. 39. The chief of police shall give bond with approved sureties, in a penal sum to be fixed by the board of aldermen, and payable to the corporation of Belhaven, conditioned to diligently perform all duties imposed upon him by virtue of his office, and faithfully pay to the treasurer all sums of money collected or received by him to and for the use of the town, and shall hold his office for the term of two years. The chief of police and other police officers shall wear a regular uniform, to be adopted by the Chief of police to give bond. Term of office. Chief and officers to wear uniform.

Pay.

Fees to use of town.

Not to serve civil process.

board of aldermen. The compensation of the chief of police shall not exceed six hundred dollars per annum in full for all services rendered, and all fees collected by him for services rendered in any court shall be turned into the treasury of the said town by him, and his bond shall be responsible for such. He shall be under the direct supervision of the mayor, subject to such rules and regulations as the board of aldermen shall adopt. He shall not be allowed to serve in any civil process. He shall serve such processes as are issued to him by the police justice for the violation of the town ordinances or criminal law. He shall perform police duty under direction of the mayor. He shall be subject to removal as provided for in section eighteen. He shall also act as harbor-master.

Monthly settlements.

Sec. 40. It shall be the duty of the chief of police to pay over to the town treasurer all the money that may be collected by him to and for the use of the town at least once every month, and he shall communicate to the board of aldermen at its monthly meetings in writing a full statement of all costs, fines, taxes and fees collected, and the disposition made of same.

Power to preserve the peace.

Sec. 41. It shall be the duty of said chief of police and the policemen to preserve the peace by suppressing disturbances and the apprehension of all offenders; and the chief of police or any policeman shall have the power to summon as many persons as he may deem necessary to assist in the performance of the above duties.

Power of street commissioner. Duties of street commissioner.

Sec. 42. The street commissioner shall be vested with the power of a policeman, and it shall be his duty to keep in repair all of the streets, ditches, bridges, wells, pumps, drains, canals, sidewalks, crossings, etc., within the town boundaries, under direction of the mayor; and the board of aldermen shall direct all labor due the town from all sources to be at his disposal, the board of aldermen to furnish material and tools, horses, carts, etc., as it may deem necessary, on requisition made by the commissioner. He shall be subject to removal as provided for in section eighteen.

Duties of city attorney.

Sec. 43. It shall be the duty of the city attorney to attend all of the meetings of the board of aldermen for the purpose of giving such legal advice as may be necessary; to represent the town in all criminal and civil actions to which the town shall be a party. It shall be his duty to advise the mayor of the town when requested so to do, and to prosecute any violation of the town ordinances before the mayor. For services rendered he shall receive such compensation as shall be fixed by the board of aldermen. He shall be subject to removal as provided in section eighteen.

Pay.

Duties of health officer.

Sec. 44. It shall be the duty of the health officer to keep a record of the vital statistics of the town; to inspect the town prison and attend professionally the town prisoners and such de-

serving poor as may become a charge upon the town, when directed by the mayor. He shall be under the control of the board of aldermen, and shall perform such other duties as may be prescribed from time to time by said board. His salary shall not exceed one hundred dollars per annum in full for all services rendered: *Provided, however*, in cases of epidemic of a contagious disease, the board of aldermen shall have the power to increase the salary in such a sum as it deems necessary, not to exceed fifty dollars per month. He shall be subject to removal as provided for in section eighteen.

Salary.

Proviso: increase of pay in epidemics.

Sec. 45. That all suits on bonds given by any officer under this charter shall be in the name of the corporation of Belhaven, and money collected from said bonds shall be paid to the treasurer of the town. That for all suits or actions by or against the said corporation of Belhaven, the said corporation is hereby incorporated a body politic, with power to sue and defend, to hold property and do all other works which a corporation can do.

Suits on official bonds.

Suits against corporation of Belhaven.

Corporation incorporated.

Sec. 46. The Town Aldermen of Belhaven are hereby vested with the right to levy and collect a tax on each able-bodied male person residing within the corporation limits of Belhaven, between the ages of twenty-one and forty-five, not exceeding the rate of three dollars, for the improvement of the public streets, alleys and parks of Belhaven. Any person failing or refusing to pay said tax shall be fined not exceeding five dollars; said tax to be collected by the clerk of the corporation.

Street tax.

Penalty for failure to pay street tax.

Sec. 47. The board of aldermen shall have the power to require every owner of real estate in Belhaven to furnish material for paving the sidewalks in front of his or her land in the improved portion of said town with such material, either brick, stone or other durable material, and to enforce such requirements by proper fines and penalties. And upon failure of such owner or owners to furnish said material, the said corporation may have the same done, and the cost thereof may be assessed against the property of such delinquent, and added to the taxes against him or her and collected in the same manner that other taxes or assessments are collected, or judgment may be taken by the corporation of Belhaven before any justice of the peace, if under fifty dollars, for the actual cost of such material delivered at the place of paving.

Powers of aldermen in respect to sidewalks.

Sec. 48. The board of aldermen shall have the right to regulate and establish rates of wharfage, and prescribe the limits of that part of said town; also the power to appoint wood inspectors, whose duty it shall be to inspect all firewood brought to the town for sale.

Powers as to wharfage.

Wood inspectors.

Sec. 49. It shall be the duty of the harbor-master to enforce all rules and regulations which the board of aldermen may prescribe for the government of the port of Belhaven, within the

Duties of harbor-master.

limits for the proper anchorage of vessels or steamboats as to the priority of the right to land or fasten to a wharf in said town, and to cause the same to be removed upon the demand of the owner of the wharf.

Finance committee.

Sec. 50. The board of aldermen may appoint annually a finance committee, to be composed of three freeholders and citizens of the town, who shall examine the books, accounts, vouchers and papers of the clerk, chief of police, street commissioner, police justice and treasurer, and make an itemized report in writing to the said board at the regular monthly meeting in May, one thousand nine hundred and seven, and thereafter at each monthly meeting in May of each year. That one member of said finance committee shall be of opposite political faith from that of a majority of the board of aldermen so appointing said committee. The said committee shall receive such compensation as the board may designate, not exceeding one hundred dollars.

Duties of finance committee.

Tax on circus and shows.

Sec. 51. That it shall be lawful for the board of aldermen to collect a tax for any circus or show exhibiting within one mile of the town limits of Belhaven, and any manager or managers of any circus or show which shall be held within one mile of the said town limits without its having first paid the town license as aforesaid shall be guilty of a misdemeanor and fined fifty dollars.

Misdemeanor. Punishment. Imprisonment for fines.

Sec. 52. Any person or persons failing or refusing to pay any fine imposed under any ordinance of the said town of Belhaven may be imprisoned thirty days or put to work upon the public streets or alleys of said town until the aforesaid fine and costs are paid.

Vital statistics.

Sec. 53. The board of aldermen of said town shall provide for the collection of vital statistics of the town by its health officers, and shall enact such laws and furnish such books as may be necessary to carry same into effect.

No poll tax.

Sec. 54. That there shall be no poll tax levied in the corporate limits of Belhaven for municipal purposes.

Sec. 55. That this act shall be in effect on and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 247.

AN ACT TO AUTHORIZE THE CORPORATION OF THOMASVILLE, NORTH CAROLINA, TO ESTABLISH AND OPERATE A SYSTEM OF WATER-WORKS AND SEWERAGE, AND TO ISSUE BONDS THEREFOR AND FOR STREET IMPROVEMENTS AND ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Power to establish and maintain water-works and sewerage system granted.

Section 1. That the corporation of Thomasville, North Carolina, through its board of aldermen or its legally constituted agent or agents, be and is hereby authorized and empowered to establish and maintain a system of water-works and sewerage, either or both, for the use of the said city and its citizens and of persons living in its suburbs, and to that end may purchase, hold, establish, maintain and operate all necessary lands, works, machinery and appliances wherewith to furnish a sufficient quantity of pure and wholesome water and a proper system of sewerage, either or both.

Bond issue authorized.

Amount.

Denomination.

Maturity.

Interest.

Sec. 2. For the foregoing purpose it shall be lawful for the said corporation of Thomasville to issue and sell, at a price not less than par, the coupon bonds of said corporation to an amount not exceeding seventy thousand dollars ($70,000), said bonds to be in denomination of five hundred dollars ($500) and to run for a period of thirty years from the issue of the same, and to bear interest at a rate not exceeding six per centum per annum, payable semi-annually on the first day of June and December of each year after their issue.

How bonds authenticated.

Sec. 3. Said bonds and coupons shall be consecutively numbered, and signed by the mayor and clerk of the corporation of Thomasville, and it shall be the duty of said clerk to keep an accurate account of the same.

Coupons receivable for town taxes.

Sec. 4. The coupons of said bonds shall be receivable by the tax collector and treasurer of the corporation of Thomasville in payment of all taxes and dues to the said city.

Water-works and sewerage for private use.

Sec. 5. It shall be lawful for the said corporation of Thomasville, in addition to supplying the demands of the said city as hereinbefore provided, to provide water-works and sewerage, either or both, for private use at a uniform rate to be prescribed by the board of aldermen for said town, and the receipts arising from said rentals shall be kept by the treasurer of said town, and shall be applied to the payment of interest on said bonds as the coupons may fall due, and for the purpose of creating a sinking fund of one thousand dollars per annum or more, which sinking fund it shall be the duty of the authorities to lay aside annually from any funds in the treasury not otherwise appropriated, and from any surplus arising from said rentals in excess of the amount

Appropriation of rentals.

Sinking fund to be set aside annually.

Temporary use of sinking fund.

sufficient to pay the interest on said bonds; and the sinking fund above provided for may temporarily be applied to the payment of operating expenses of said water-works plant or sewerage plant, either or both, as the case may be, and any deficiency in the amount necessary for the payment of either sinking fund, interest or operating expenses shall be paid from the current tax receipts of said town and shall be charged as necessary "water expenses."

Specific appropriation of sinking fund.

Investments of sinking fund.

Sec. 6. It shall be unlawful for the said authorities of said corporation of Thomasville to use the sinking fund herein provided for otherwise than as provided for, and it shall be the duty of the board of aldermen of said corporation to safely invest, at not less than the legal rate of interest, annually the sinking fund herein provided for, under the advice of the city attorney; or said board of aldermen may purchase, at a price not exceeding the face value of the said bond or bonds, any of the outstanding bonds herein provided for from any person desiring to dispose of the same.

Fiduciaries authorized to invest in bonds.

Sec. 7. All administrators, guardians and other persons acting in a fiduciary capacity are hereby authorized and empowered to invest the funds intrusted to them in said bonds.

Commission to locate site for plant and water-shed.

Sec. 8. The Board of Aldermen of the Corporation of Thomasville, whose duty it is to erect or purchase a water-works plant provided for in this act, shall appoint three freeholders of the corporation of Thomasville, who, with the assistance of an engineer to be employed by the corporation, shall locate the site for said plant, and who shall survey, map out and designate by proper metes and bounds an ample water-shed to secure the purity of water flowing and draining into the stream from which said water supply may be taken, and locate and plan a suitable reservoir for said water supply, or to locate a suitable site for a deep well, if in their judgment the latter plant is preferable.

Protection of water-shed.

Sec. 9. Any person who shall willfully place or deposit in the stream from which said water supply may be taken or any of its tributaries, or upon the ground drained by them or any of them, within a distance from said reservoir so marked and designated by the three freeholders and engineer aforesaid, or upon the water-shed herein provided for, any dead carcass of any animal, or any filthy or poisonous substance, or any other substance or thing by which the water of said stream or its tributaries may become liable to be rendered unwholesome, contaminated or otherwise unfit for domestic purposes, shall be guilty of a misdemeanor and fined or imprisoned, or both, at the discretion of the court.

Misdemeanor.

Punishment.

Establishments or work liable to contaminate water declared nuisances.

Sec. 10. It shall be unlawful for any person to erect, establish or maintain upon the water-shed of the stream upon which the said water-works plant may be located, or any tributary thereof, within the boundaries and marks and designations provided for

in this act, any establishment or works the effect of which in its operation or use shall be deleterious to the water of the stream upon which said plant shall be located, or its tributaries above the points and boundaries named, and any such establishment, contrivance or works is hereby declared to be a public nuisance: *Provided*, that all such establishments, contrivances or works which are standing, established and maintained at the time of the survey provided for in this act shall be condemned as provided for in this act for condemning land and shall be removed.

Proviso: condemnation and removal of existing works.

Sec. 11. It shall be the duty of the Board of Health of the Corporation of Thomasville to exercise due surveillance over the water-shed, streams and tributaries mentioned in the preceding section, and to report to the Board of Aldermen of the Corporation of Thomasville, whose duty it shall be to abate the nuisance forbidden in the manner provided by existing laws.

Board of health to inspect water-shed and report nuisances.

Sec. 12. Any person who shall willfully injure any of the property of said water-works plant, or in any manner willfully or maliciously interfere with or obstruct the operation of its works, or shall cast, throw, place or deposit any deleterious substance in any of the filters, common mains, pipes, tanks, reservoirs or other receptacles of water connected with said water-tank or water-works shall be guilty of a misdemeanor and fined or imprisoned, or both, at the discretion of the court.

Injury to plant or contamination of water a misdemeanor.

Punishment.

Sec. 13. The Board of Aldermen and Engineer of the Corporation of Thomasville, and any other agent or agents appointed by said board of aldermen, are hereby authorized and empowered to enter upon the lands of all persons, firms and corporations, within or without the limits of said corporation, for the purpose of making the surveys provided for in this act, laying or putting down any pipes, drains, machinery or appliances, or for the purpose of erecting any reservoir or other necessary building, or doing any other act necessary to be done towards the erection and maintenance of such system of water-works or sewerage, either or both, and towards the maintenance and protection of the same when erected, and the said board may condemn such real estate, easement or interest in real estate as may be necessary for the purpose of this act, and make a record of its proceedings upon its minutes, and cause the same to be registered in the register's office of Davidson County.

Entrance on land for surveys and construction of plants.

Real estate to be condemned.

Sec. 14. That when any person or persons whose lands are taken, used or condemned under the provisions of this act claim damages thereof, and within thirty days petition the Board of County Commissioners of Davidson County for a jury to assess the damages, the said commissioners within not less than fifteen nor more than sixty days after the taking possession of said lands and filing said petition shall order a jury of three free-

Procedure for settling damages.

holders to be summoned by the sheriff or constable, as provided by law, who shall give said land-owners or their local representatives and the Mayor of the Corporation of Thomasville, North Carolina, forty-eight hours' notice of the time and place when and where said jury will meet to assess damages, and it shall report in writing its findings to the board of county commissioners for confirmation or revision: *Provided*, that if said land-owner be a non-resident of the county and have no local representative, it shall be deemed sufficient service of such notice for said sheriff or constable to forward by United States mail a written notice of the purpose, time and place of meeting of said jury to the last known post-office address of such land-owner seven days in advance of such meeting, and also to post a notice of such meeting at the court-house door of said county.

Proviso: notice to non-resident land-owners.

Right of appeal.

Sec. 15. That in case the land-owner or his local representative or the corporation of Thomasville, North Carolina, shall be dissatisfied with the findings of the jury as provided for in this section and with the decision of the county commissioners, such dissatisfied party may appeal from such decision of said county commissioners to the Superior Court of the county, all such appeals being governed by the law regulating appeals from courts of justices of the peace, and the same shall be heard *de novo;* but the Judge may in his discretion require said land-owner to give bond when the case is taken by appeal to the Superior Court.

Bond on appeal.

Aldermen may call election.

Sec. 16. That the Board of Aldermen of the Town of Thomasville may at any time and of its own motion call an election, which shall be held at the regular voting place in the town of Thomasville, for the purpose of ratifying or approving by a majority of the qualified voters of said town the issuance of the bonds herein provided for; and upon the written petition of fifty citizens of the town of Thomasville, it shall be the duty of said board of aldermen to call the election as aforesaid, and the amount of issue shall be determined by a resolution of the said board. It shall be the duty of the Mayor of the Town of Thomasville to publish the resolution calling an election in the *Thomasville Times* or *Davidson Dispatch*, and to post a copy of the same at the post-office and four other public places in the town of Thomasville at least two weeks prior to date of election: *Provided*, after said election is held it shall be conclusively presumed that such publication of notice was made.

Upon petition aldermen must call election.

Notice of election.

Proviso: notice presumed after election.

New registration to be ordered.

Registrar.

Registration.

Sec. 17. The Board of Aldermen of the Corporation of Thomasville shall, upon calling an election, order a new registration of voters and appoint a registrar, who shall, before entering upon the duties of his office, take an oath to perform them according to law. He shall keep the registration books open at the mayor's office in Thomasville, North Carolina, from ten o'clock A. M. to four o'clock P. M. for five days prior to the election, not includ-

ing Sunday. He shall register at such times all persons whom he considers would be qualified to vote in an election for mayor of said corporation, and shall administer to them the oath prescribed for electors offering to register and vote in the mayoralty elections in said corporation.

Judges of election.

Sec. 18. The board of aldermen of said corporation shall appoint two judges of election, who shall take an oath of office before entering upon the discharge of their duties that they will perform the same faithfully and according to law. It shall be the duty of the registrar and judges to open the polls on the day of the election within one hour after sunrise and keep them open until sundown. They shall hear any challenges made on the day of the election, and pass upon the right of the elector to vote. They, together with the registrar, shall count the vote and within two days after said election certify to the Board of Aldermen of the Corporation of Thomasville the votes cast and how cast and the result of the election. It shall be the duty of the said board of aldermen on the third day after the election to canvass the returns and declare the result of the election and spread the returns as ascertained by it upon the minutes of the said board of aldermen, and certify under the seal of the said corporation a copy of its minutes in reference thereto to the Register of Deeds of Davidson County, who shall record the same in the records kept in his office for recording results of elections certified to his office.

Hours of voting.

Challenges on election day.

Count and return of votes.

Canvass of returns.

Record of result.

Ballots.

Sec. 19. The ballots to be used in the election herein provided for shall be of white paper and without device, and those who desire to vote for the issuing of bonds and the payment of the bonds and interest shall vote a ballot containing the word "Water," and those opposed to issuing bonds shall vote a ballot containing the words "No Water"; and the bonds shall be issued and paid as herein provided for, in case a majority of the qualified voters of said town shall vote "Water."

Bonds to be issued.

Successive elections.

Sec. 20. That in case the board of aldermen shall fix, for the election to be held, the amount of the bonds proposed to be issued at less than seventy thousand dollars ($70,000), or in case the election at such time is against the issuance of said bonds as herein provided, the said board of aldermen may, at any other time it deems proper to do so, fix by resolution the amount of bonds or any additional amount of bonds to be issued as herein provided for and for the purposes herein expressed, and after advertising for thirty days in some newspaper published in the county, and at ten public places in said town of Thomasville, that an election will be held upon the question of issuing bonds under said act, and the purposes and amount of such bonds, and the time of holding such election, which shall be determined by said board of aldermen, an election shall be held at such time as is

provided in said resolution and under the rules and regulations and in the manner herein prescribed: *Provided*, that after any election is held under this act, it shall be conclusively presumed that the same was held as herein provided for, and that all advertisements and orders of the board of aldermen required to be made before holding such election were given as required by law.

Proviso: election presumed to have been legally held.

Purchase or establishment of electric light plant authorized.

Sec. 21. That the corporation of Thomasville is further authorized and empowered to purchase or otherwise establish and operate an electric light plant and system for the use of the said town and its citizens, and to that end may purchase, hold, establish, maintain and operate all necessary lands, works, machinery and appliances wherewith to supply and operate said system. And for the purpose of carrying out the provisions of this section the corporation of Thomasville is hereby authorized and empowered to issue bonds to the amount of ten thousand dollars ($10,000) under and according to the provisions made in this act for issuing bonds for water-works and sewerage system.

Bond issue authorized.

Amount.

Street bond issue authorized.

Sec. 22. That for the purpose of opening up, grading, and properly working and macadamizing the streets and sidewalks of the town of Thomasville, the said town is hereby authorized and empowered to issue bonds to the amount of twenty thousand dollars ($20,000), and that the manner of calling and holding elections for the purpose of issuing bonds for electric lights and street improvements, and all provisions relative to the issue of bonds, the time for which the same shall run, the manner of levying and collecting taxes therefor, and provisions for a sinking fund or funds to meet the same and all other provisions expressed or implied by the provisions of this and the preceding section, shall be in accordance with the corresponding provisions in this act relative to the establishment of water-works and sewerage system; and the said corporation of Thomasville is authorized to submit to its citizens, subject to the provisions herein granted, the question of voting for water-works and sewerage, electric lights and street improvements, or either or all of them, at the same or different times, in the discretion of the board of aldermen of the said town of Thomasville: *Provided*, that in an election or elections held for the purpose of authorizing bonds for electric lights those favoring the issue of bonds shall vote a ballot upon which are printed or written the words "For Lights," and those opposed to the said issue shall vote a ballot on which are written or printed the words "Against Lights"; and in any election or elections held for the purpose of authorizing bonds for street improvements those favoring said issue shall vote a ballot on which shall be written or printed the words "For Street Improvements," and those opposed shall vote a ballot on which are written or printed the words "Against Street Improvements."

Amount.

All or any of bonds to be voted on.

Proviso: ballots.

Sec. 23. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 24. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1907.

CHAPTER 248.

AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF BELHAVEN GRADED SCHOOL TO ISSUE BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING A GRADED SCHOOL BUILDING AT BELHAVEN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of raising money to build and equip a graded school building for the Belhaven Graded School District, the board of trustees of the said Belhaven Graded School District is hereby authorized and empowered to issue bonds to an amount not exceeding twenty thousand dollars, payable at such time and place as it may designate, which bonds shall bear interest not exceeding six per cent. per annum, payable annually at such time and place as said board may designate, and evidenced by coupons attached to said bonds. Said bonds shall be signed in the name of the Board of Trustees of the Belhaven Graded School District, under its corporate seal, by the chairman of the said board, and attested by its secretary, and shall mature in not less than twenty nor more than thirty years from date of their issue.

Bond issue authorized.

Amount.

Interest.

How bonds authenticated.

Maturity.

Sec. 2. That said bonds shall not be sold for less than their par value, and the proceeds from the same shall not be used for any purpose other than the purpose mentioned in section one of this act.

Bonds not to be sold below par.

Specific appropriation of proceeds.

Sec. 3. That for the purpose of providing for the payment of the same at their maturity, the Board of County Commissioners of Beaufort shall annually, at the time of levying other taxes, levy and lay a special tax on all polls and property subject to taxation within the said graded school district sufficient to meet the annual accruing interest on said bonds and provide a sinking fund for the payment of the same. The taxes provided for in this section shall be collected by the Sheriff of Beaufort County and be by him paid over to the treasurer of said graded school district, and shall be applied exclusively to the purpose for which they are collected.

Special tax for bonds and interest.

Sec. 4. That for the purpose of submitting to the qualified voters of the Belhaven Graded School District the question of

Election to be called.

issuing said bonds and levying and collecting the taxes hereinbefore provided for, the County Board of Elections for the County of Beaufort, upon petition of the Board of Trustees of the Belhaven Graded School District, shall order an election to be held in said district, and in such order appoint the time and place for holding the same as said trustees may designate, appoint a registrar and two judges of election, and shall give thirty days' notice in some newspaper published in Beaufort County, and shall order an entire new registration of voters for said election.

Notice of election.

New registration to be ordered.

Ballots.

Sec. 5. That at said election those voting for issuing said bonds and levying and collecting the taxes herein provided for shall vote a written or printed ballot containing the words "For School Bonds," and those voting against issuing said bonds and levying and collecting said taxes as herein provided for shall vote a written or printed ballot containing the words "Against School Bonds." Said election shall be held under the same rules and regulations as now provided for the election of members of the General Assembly.

Law governing election.

Canvass and return of votes.

Sec. 6. That the registrars and judges of election, at the close of said election, shall canvass the votes and declare the result of the election and make two returns thereof, one to the County Board of Elections for Beaufort County and one to the Board of County Commissioners for Beaufort County, and the said board of commissioners shall order said returns recorded in the office of register of deeds for said county.

Trustees to issue bonds.

Sec. 7. That if at the election a majority of the votes cast by the qualified voters of Belhaven Graded School District shall be for bonds, then the board of trustees shall proceed to issue and sell the bonds, or so many thereof as may be necessary in the judgment and discretion of the board for the purpose aforesaid.

Successive elections.

Sec. 8. That if a majority of the votes cast at said election shall fail to be in favor of issuing said bonds and levying the particular tax, said Board of Elections of Beaufort County shall order another election at any time after twelve months from the date of the former election, when requested to do so by said Board of Trustees of the Belhaven Graded School District, and if at such election a majority of the votes cast shall be "For Bonds," it shall have the same force and effect as if no election had been previously held.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 249.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LINCOLNTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and sixty-nine of the Private Laws of one thousand eight hundred and ninety-nine be and the same is amended as follows: By striking out in section thirty-six, in line nine, the word "thirty-five" and inserting in lieu thereof the word "fifty," and in line fourteen thereof by striking out the word "five" and inserting in lieu thereof the word "fifty." Tax rate.

That section seventy-six of said chapter be amended by striking out the word "fifteen," in line two thereof, and the word "hundred," in line three thereof, and by substituting for such words "three thousand." Power to borrow money.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 250.

AN ACT FOR THE RELIEF OF PUBLIC SCHOOL DISTRICT NO. 70, OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the board of county commissioners may, in its discretion, order an election to be held in and for the Casar Public School District No. 70, in Cleveland County, on or before June first, one thousand nine hundred and seven, to determine whether or not the special tax heretofore authorized for said school district shall continue to be levied and collected: *Provided*, that said election shall not be ordered by the said board of county commissioners unless same is recommended by the County Board of Education of Cleveland County, which shall be guided by the facts relative to same and use its discretion as to its recommendations. County commissioners may order election. Proviso: election not ordered but on recommendation of county board of education.

Sec. 2. That, if ordered, said election shall be conducted and held as is provided by section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five; and in case the majority of the qualified voters of said district vote "Against Special Tax," then same shall not be collected or levied again until same is again ordered by some subsequent election, Law governing election. Effect of election.

which may be ordered and held under section four thousand one hundred and fifteen of the Revisal not more than once annually.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 251.

AN ACT AUTHORIZING THE TOWN OF LINCOLNTON TO SELL CERTAIN LOTS BELONGING TO SAID TOWN.

The General Assembly of North Carolina do enact:

Sale of lots authorized.

Section 1. That the Board of Aldermen of the Town of Lincolnton may, in its discretion, and it is hereby empowered and authorized to sell certain lots belonging to said town, known and designated as follows, viz.: "The Washington Place," in the northwest square of said town; "The Potter's Field," in the northeast square of said town; "Union Place," in the northeast square of said town, and lot near the Piedmont Cotton Mill, in the northwest square of said town, or any number thereof.

Advertisement of sale.

Sec. 2. That upon an order of the board of aldermen directing that the above lots or any number thereof be sold, the Mayor of the Town of Lincolnton is authorized and directed to advertise such sale in the manner now prescribed by law for the sale of real estate under mortgage deed, and shall, upon the day fixed in the advertisement thereof, expose the said lots or any number thereof for sale at public auction at the court-house door in the town of Lincolnton to the highest bidder for cash, and the last and highest bid obtained for each lot shall be reported by him to the next regular meeting of the board of aldermen, which shall have power to reject said bid, if in its opinion the price bid was inadequate, and to order a resale of such lots. That upon confirmation of sale by the board of aldermen and the payment in full of the purchase price, the mayor is hereby directed to convey title for such lot or lots, in his official capacity, to the purchaser in fee-simple.

Lots to be sold at auction.

Power to reject bids.

Deed upon confirmation of sale.

Appropriation of proceeds.

Sec. 3. That the proceeds arising from the sale or sales above provided for shall be paid to the treasurer of said town, and the moneys coming into his hands therefrom shall be held by him as a special fund to be expended upon the order of the board of aldermen in the purchase of land to be used as a public cemetery.

Sec. 4. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 252.

AN ACT FOR IMPROVEMENT OF THE SIDEWALKS OF THE TOWN OF GASTONIA.

The General Assembly of North Carolina do enact:

Lot owners to improve sidewalks.

Section 1. That whenever the Board of Aldermen of the Town of Gastonia shall determine to macadamize or to pave any street or streets of the said town, then the owner of any lot on such street so improved, or so to be improved, if ordered by the board of aldermen, shall improve, curb, pave or repair, in such manner as the board of aldermen may direct, such sidewalk so far as it may extend along such lot. Work done under this section shall be done under the strict supervision of the superintendent of streets or of the street commissioner; and on the failure to do as directed within twenty days after the notice by the superintendent of streets or the chief of police to said owner, or if he be a non-resident of the county of Gaston, to his agent, or if such non-resident have no agent in said county known to the board, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the superintendent of streets or the chief of police for ten days in some newspaper published in Gastonia, calling on the owner to make such repairs, the board of aldermen or the superintendent of streets may cause the same to be repaired or improved as directed by the board, and the expenses shall be paid by the person in default; said expenses shall be a lien upon said lot, and if not paid within two months after completion of the work, such lot may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and saving as are prescribed in said charter for the sale of land for unpaid taxes: *Provided, however*, that the board of aldermen, in order to secure uniformity in the work done, may, after giving ten days' notice in the manner herein prescribed to the owner, have all the work provided for herein done by the city forces or by contract and charge the actual cost of such work to the abutting property, and the said charge shall be a lien as herein provided and collectible as provided above: *Provided further*, that if the property owner should so elect and give notice of the fact in writing to the board within the two months hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent. per annum from the date on which said work is done up to the time when the same shall be due and collectible, which said date shall be the date on which taxes are due and collectible, and in case of the failure or neglect of any property owner to pay said installment when the

Supervision of work.

Work done by town on default of lot owner.

Expense a lien on lot.

Enforcement of payment.

Proviso: work done under contract and cost charged to owner.

Proviso: cost payable in installments.

Installments to bear interest.

same shall be due and collectible, then and in that event the said amount of said installment shall be a lien upon said property as hereinbefore provided and collectible as provided above: *Provided further*, that whenever the said town has had any of said work done, it shall give the owner of the said abutting property ten days' notice of the amount charged against his said property, and if the said owner is dissatified with the amount of the said charge, he may give notice to the board of aldermen within the ten days aforesaid that he takes an appeal to the next term of the Superior Court of Gaston County, and shall, within five days thereafter, serve a statement of facts upon which he bases his appeal. The said appeal shall at the said term of court be tried as other actions at law; and the said owner may in like time and manner appeal from any order or act of the board of aldermen made or done under this section, but said appeal shall not delay or stop the said improvements.

Proviso: notice to owner of amount charged against lot.

Appeals.

Penalties for failure to make improvements.

Sec. 2. In addition to the above provisions, the board of aldermen may adopt ordinances imposing penalties on persons failing or refusing to make the improvements and repairs mentioned in the preceding paragraph, after being directed so to do by the board of aldermen.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 253.

AN ACT TO REPEAL CHAPTER 202, PRIVATE LAWS OF 1895, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SOUTH GASTON, HALIFAX COUNTY, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

Charter repealed.

Section 1. That chapter two hundred and two, Private Laws of one thousand eight hundred and ninety-five, be and the same is hereby repealed.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 254.

AN ACT TO AUTHORIZE THE TOWN OF SILER CITY, IN CHATHAM COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF IMPROVING THE PUBLIC STREETS AND SIDEWALKS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Siler City, in the county of Chatham, is hereby empowered and authorized to issue in the name of the town of Siler City bonds in such denominations and forms as it may determine, to an amount not exceeding ten thousand dollars, payable at such time or times as the board of commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty years from the date of their issue. Bond issue authorized. Denominations. Amount. Maturity.

Sec. 2. That the said bonds shall bear interest at no greater rate than six per cent. per annum, and the interest shall be payable either annually or semi-annually, as the board of commissioners may prescribe, and the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Interest. Bonds not to be sold below par.

Sec. 3. The said bonds shall be signed by the mayor, attested by the town clerk and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, and the coupons shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity and said coupons as they become due, it shall be the duty of the board of commissioners and it is hereby empowered to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and at the time and in the manner as other taxes are collected under said charter: *Provided*, that the total rate of taxation allowed for the special purposes set forth in this act shall not exceed thirty cents on each one hundred dollars valuation of property and ninety cents on each taxable poll: *Provided further*, that the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and interest coupons as the same may become due, and it shall be the duty of the town treasurer, as the said coupons are taken up and paid off, to cancel the same and report not less than twice a year to the board of commissioners the number and amounts of the coupons cancelled. How bonds authenticated. Coupons receivable for town tax. Special tax for bonds and interest. Proviso: rate. Proviso: specific appropriation.

Sec. 4. That the board of commissioners shall not issue said bonds nor any of them, nor levy and collect said tax, until it shall Bond issue to be authorized by voters.

have been authorized and empowered to do so by a majority of the qualified voters of said town at an election to be held at such time as said board may appoint, of which election notice shall be given for not less than twenty days in some newspaper published in said town; and at such election those favoring the issue of said bonds and coupons shall vote a ballot upon which is written or printed "For Bonds," and those opposing the same shall vote a written or printed ballot containing the words "Against Bonds." Said election shall be held under the same rules and regulations as elections for mayor and other town officials: *Provided*, that the board of commissioners may in its discretion order a new registration of voters: *Provided further*, that a failure of the voters to ratify this act in any election held as aforesaid shall not prevent the board of commissioners in its discretion from causing a subsequent election to be held for the same purpose, but no such subsequent election shall be held within twelve months from the time a former election is held under the provisions of this act: *Provided further*, that in any call for an election to be held under this act the board of commissioners shall specify the amount of bonds to be issued, and it shall be unlawful for said board to issue any bonds in excess of the amount so specified.

Notice of election.

Ballots.

Law governing election.

Proviso: new registration may be ordered.

Proviso: successive elections.

Proviso: amount of issue to be specified in call for election.

Appropriation of proceeds.

Sec. 5. That the said bonds and the proceeds arising from the sale of the same shall be used by the board of commissioners for the following purposes and for no other purpose, to-wit: For grading, macadamizing, paving or in any manner permanently improving the streets or sidewalks of said town; for constructing, completing, equipping, maintaining and operating an electric light plant to furnish light for the use of the town and its citizens, or for the purpose of erecting and maintaining and operating a system of water-works to furnish water for the use of the town and its citizens: *Provided*, that in the call for an election to be held under this act the board of commissioners shall specify the purpose for which said bonds are issued: *Provided further*, that the purchasers of said bonds shall in no respect be held responsible for the application of said bonds.

Proviso: purpose of issue specified in call for election.

Proviso: purchasers not liable for application.

Commissioners to have control of plants and works.

Election of agents, servants and employees.

Sec. 6. That the said board of commissioners shall have entire supervision and control of any and all of the plants and works that may be established under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper, and to pay the same from any of the revenues of the town not otherwise appropriated, and to do all other proper things to carry into effect the true intent of this act.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 255.

AN ACT TO AMEND THE CHARTER OF ELIZABETH CITY, NORTH CAROLINA, RELATIVE TO MAYOR'S SALARY.

The General Assembly of North Carolina do enact:

Salary of mayor.

Section 1. That section thirty-five, chapter fifteen, Private Laws of one thousand nine hundred and five, be amended by striking out all of said section after the words "city orders," in line nineteen thereof, and inserting in lieu thereof the following, viz.: "He shall be paid a salary of two hundred dollars ($200) per annum from the general funds of the city, which salary shall be in full for all services rendered."

Chief of police to act as building inspector.

Sec. 2. Amend section forty, chapter fifteen, Private Laws of one thousand nine hundred and five, by adding after the end of said section the following: "He shall also act as building inspector."

Salary of health officer.

Sec. 3. That section forty-five, chapter fifteen, Private Laws of one thousand nine hundred and five, be amended by striking out the words and figures "one hundred dollars ($100)," in lines seven and eight, in full for all services rendered, and inserting in lieu thereof the following words and figures, "two hundred dollars ($200)."

Sec. 4. That all laws and clauses of laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Sec. 5. That this act shall be in force and effect from and after the first Monday in May, one thousand nine hundred and seven.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 256.

AN ACT TO INCORPORATE THE SAMARIA PUBLIC SCHOOL DISTRICT, NUMBER FOUR, WHITE RACE, IN FERRELL'S TOWNSHIP, NASH COUNTY.

The General Assembly of North Carolina do enact:

School district established.

Boundary.

Section 1. That all the territory embraced within the following boundaries shall constitute a public school district, to-wit: Beginning on the Raleigh and Tarboro road at Turkey Creek bridge, thence down said creek to the Wilson road; thence around the Dennis Simmons Lumber Company's land (said land being known as the Boon place) to Z. F. Brantley's place or line, and thence around the same to the road; thence up said road to a

path; thence up said path to S. Hopkins' land, including same, to Edwards' land, including same, to C. C. Smith's land, including same; thence up path to the Raleigh road; thence, including the lands of W. A. Murray and George W. Ferrell, to Spring Hope road; thence with said road, including the lands of B. C. Cone, Bettie Cone and A. R. Griffin, to a prong of Turkey Creek; thence up said creek to White Oak Branch; thence up said branch to G. W. Pace's corner and including the lands of J. L. Cornwall, L. H. Griffin, T. B. and D. S. Cone; thence east, including the lands as follows: Octavia Cone, Earp land, the Tayborne land, Charles Sanders' land, C. B. Brantley's land, W. D. Murray's land, Denton land and A. N. Cone land; thence along Spring Hope road to Raleigh road; thence up said road to the beginning. The said territory so bounded shall constitute a public school district for the white race, to be known as the Samaria School District Number Four, in Ferrell's Township, Nash County, North Carolina.

Trustees appointed and terms fixed.

Sec. 2. That A. R. Griffin, C. H. Murray, B. O. Cone, John Denton and Charles Morgan are hereby appointed a board of trustees for said district; A. R. Griffin for a term of five years, C. H. Murray for a term of four years, B. O. Cone for a term of three years, John Denton for a term of two years and Charlie Morgan for a term of one year; and the terms of said trustees so appointed shall be counted from the first Monday in July, one thousand nine hundred and seven, and until their successors are elected and qualified. All vacancies occurring by expiration of term of office shall be filled by the county board of education for a term of five years. Other vacancies shall be filled by the said county board of education for the unexpired terms of office. And the trustees herein appointed are hereby constituted a body corporate, having the general powers now conferred by law on corporations, and shall have control of the public school property, except the public school funds, and all the public school interests of said district, not inconsistent with the public school laws of North Carolina. The powers in regard to the apportionment of the school funds among the schools and school districts shall remain in the county board of education; the said trustees shall have such other powers and duties, not inconsistent with the law, as shall enable them to carry on an efficient public school in said district.

Vacancies.

Trustees incorporated.

Control of school property and school interests.

Apportionment of school funds.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 257.

AN ACT TO AMEND CHAPTER 122 OF THE PRIVATE LAWS OF 1889, AS AMENDED BY CHAPTER 35 OF THE PRIVATE LAWS OF 1893, BEING AN ACT TO INCORPORATE THE BRANCH BANKING COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and twenty-two of the Private Laws of one thousand eight hundred and eighty-nine, as amended by chapter thirty-five of the Private Laws of one thousand eight hundred and ninety-three, be amended by inserting after section ten thereof the following:

"Sec. 2. That the said company shall have authority to organize in connection with its other departments a fiduciary department for the transaction of a general fiduciary and trust business, under such rules and regulations as may be made and established by its board of directors; that said company shall have power to qualify and act as executor, administrator, guardian, trustee, receiver or other fiduciary by whatsoever name designated, and to take, receive, accept and execute any and all such trusts and powers of whatsoever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, corporation or corporations, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order or decree of any court of record; that the said company shall have power to receive, take, hold, manage, transfer, assign or convey any and all property, real or personal, which may be the subject of such trusts; that the said company shall have the right to charge, take and receive such commissions or fees as may be allowed by law or as may be agreed upon as compensation for its services. That in lieu of any bond or bonds required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, and before assuming any trust for which a bond is now required by law, the said company shall make and file with the Clerk of the Superior Court of Wilson County a bond with security, to be approved by the said clerk, conditioned for the faithful performance of any and all trusts imposed upon or assumed by the said company, for which a bond may or shall be required by law, and for the faithful accounting for of all property, real or personal, which the said company may receive by virtue of any order or decree of a court of record; that the penal sum of said bond shall be duly certified under the seal of the Superior Court of Wilson County, and shall be deposited in any court or courts by which the said company shall be appointed administrator, guardian, trustee, receiver or other fiduciary, and that no other bond shall be required by such court; that a copy of said bond, duly

Fiduciary department authorized.

Power given to act in fiduciary capacities.

Undertaking in lieu of bond.

certified under the seal of the Superior Court of Wilson County, shall be received as evidence in any court of the State of North Carolina. That it shall be the duty of the said company, within thirty days after the receipt by it of any property, real or personal, by virtue of any order or decree of any court of record in the State of North Carolina, to file with the Clerk of the Superior Court of Wilson County a sworn statement, showing the market value of such property, the person for whom the same is held and the authority under which the company has received the same; that whenever it shall appear to the Clerk of the Superior Court of Wilson County that the interest of any person or persons, corporation or corporations requires that the penal sum of said bond shall be increased, or that other or additional security be given by the said company, the said clerk shall have the right and upon petition of any person interested in the same it shall be his duty to require the said company to give a new bond with a larger penal sum or with other or additional security. That in accepting any trust or in performing any duty incident to the transaction of business by virtue of the powers herein conferred, the company shall act by one of its executive officers, to be designated by the board of directors of the said company."

Statements to be filed by company.

Increase of bond.

Company to act through designated officer.

Sec. 2. That this act shall be enforced from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 258.

AN ACT TO RESTORE TO THE FAMILY OF HASTINGS THE CORRECT AND PROPER NAME.

Preamble. Whereas, for many years the Hasten family of the county of Forsyth have written and spelled their names incorrectly, to-wit:

Preamble. Hasten; and whereas, it appears from the family records and

Preamble. from evidence from the older members of the family that the correct and proper name is "Hastings"; and whereas, the said family desire to correct this error: therefore,

The General Assembly of North Carolina do enact:

Persons authorized to write, spell and impress names correctly.

Section 1. That J. W. Hasten, R. B. Hasten, J. R. Hasten, G. H. Hasten, R. L. Hasten, J. M. Hasten, H. M. Hasten, A. E. Hasten, Theo. Hasten, and W. S. Hasten, all of whom were natives of the county of Forsyth, and all members of the Hasten family, and their descendants are hereby authorized and empowered to write, spell, and impress their names correctly, to-wit:

J. W. Hastings, R. B. Hastings, J. R. Hastings, G. H. Hastings, R. L. Hastings, J. M. Hastings, H. M. Hastings, Theo. Hastings, A. E. Hastings and W. S. Hastings.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 259.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FARMVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and ninety-nine of the Private Laws of one thousand eight hundred and ninety-nine, entitled "An act to amend the charter of the town of Farmville," and chapter two hundred and seventeen of the Private Laws of one thousand nine hundred and five, entitled "An act to amend the charter of the town of Farmville," be and the same are hereby amended by adding to said acts the following:

Sec. 2. That said town of Farmville is hereby authorized, if a majority of the qualified voters of said town shall so determine, to issue five thousand dollars in bonds for the purpose of aiding in the construction of the Raleigh and Pamlico Sound Railroad through the town of Farmville, and to issue the obligation of the town, payable in thirty years, bearing not more than five per cent. interest from date, for this purpose.

Bond issue authorized.

Amount.

Purpose of issue.

Interest.

Sec. 3. That before said town shall issue such obligation it shall submit the question to the qualified voters of said town at an election to be held by it for that purpose, said election to be called by the board of commissioners of said town at its first regular meeting after the passage of this act, to be held for the purpose of making such subscription to the construction of said Raleigh and Pamlico Sound Railroad, and said commissioners shall give thirty days' notice of such election, and the same shall be conducted and held under the same rules and regulations as are now prescribed in the charter of said town for the election of the commissioners thereof. That at said election those who favor such subscription shall vote a written or printed ticket with the words "For Subscription" thereon, and those who oppose such subscription shall vote a written or printed ticket with the words "Against Subscription" thereon, and if a majority of the registered voters of said town shall vote against subscription, then the board of commissioners shall have no authority to make

Election to be called.

Notice of election.

Law governing election.

Ballots.

Effect of election.

such subscription and issue the bonds for the purpose herein set out. But if a majority of the registered voters of said town shall vote in favor of the subscription, then the board of commissioners shall have full power and authority to issue five thousand dollars in five per cent. thirty year bonds as herein set out; and said election shall be held and the returns made and canvassed and the result declared in the same manner as is now required for said town in elections held therein for town commissioners.

New registration.

Sec. 4. That for the purpose of this election the aforesaid commissioners may, if they see fit, order a new registration of the voters of said town under the same rules and regulations as are now prescribed in its charter.

Issue and sale of bonds.

Sec. 5. That if a majority of the registered voters of said town shall vote in favor of such subscription, then the said board of commissioners shall issue five thousand dollars in thirty year five per cent. bonds, which said bonds, when so issued, shall be sold at a price not less than par, and the funds derived from the sale thereof shall be applied as herein directed.

Bonds not to be sold below par.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 260.

AN ACT TO INCORPORATE THE SHOALS POWER COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That G. W. Hinshaw and George Miller Hinshaw, of Winston, North Carolina, and Doctor F. L. Slocum, of Pittsburg, Pa., and their associates and successors be and they are hereby declared a body politic and corporate under the name and

Corporate name. Corporate powers.

style of the Shoals Power Company, and by that name shall have perpetual succession and sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act.

Capital stock.

Sec. 2. That the capital stock of the said company shall be one hundred thousand dollars, and may be increased from time to time, upon payment of the State Treasurer's fees as provided by law for such increase, with the consent of a majority of the stock-

holders, to any adequate amount, not to exceed two million dollars, by the issue and sale of shares of common and preferred stock, or both, upon such terms and conditions and under such regulations as the board of directors, with the approval of a majority of stockholders of said company, shall prescribe, but the par value of each share of stock shall be one hundred dollars; and the directors, with the like approval of the stockholders, may receive cash, services, labor, material, bonds, stocks, contracts, real or personal property, in payment of subscriptions to the capital stock, and may make such subscriptions payable in such manner or amounts and at such times as may be agreed upon with the subscribers; and whenever one hundred shares shall have been subscribed for, and the sum of five hundred dollars paid in cash, the subscribers, under the direction of a majority of the corporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors and providing for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company; and thereafter they shall have and exercise all the powers and functions of a corporation under this charter and the laws of this State. Every subscriber to or holder of the stock of said company shall be liable for the debts of said company to an amount equal to the amount unpaid on the stock subscribed for and held by him and no more. The principal office of the company shall be at Shoals, Surry County, North Carolina.

Payment of subscriptions.

When to organize.

Directors.

Other officers.

Principal office.

Sec. 3. It shall be lawful for the said corporation, upon such terms as the stockholders or board of directors by their authority may determine, to borrow money, to issue its notes, obligations, bonds and debentures from time to time as it may elect, and to secure the same by mortgage or mortgages on its property and franchises, in whole or in part, as it may deem necessary or expedient; and it shall be lawful for said corporation to acquire by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with, in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations of other companies organized under the laws of any one of the United States.

Power to borrow money.

Power to subscribe to stock of other companies.

Sec. 4. The said company is authorized and empowered to supply to the public, including both individuals and corporations, whether private or municipal, anywhere in the State of North Carolina, power in the form of electric currents, hydraulic, pneumatic and steam pressure, or any of the said forms, and in any or all forms for use in driving machinery, and for light, heat and all other uses to which the power so supplied can be applicable, and to fix charges, collect and receive payment therefor; and for the purpose of enabling the company to supply power as afore-

Right to supply power.

Authority to acquire, generate, develop and distribute power.

said, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate, from an initial point on the Yadkin River or any stream not navigable within the State of North Carolina, where the company may establish a plant, either directly to consumers or users or to a distributing point in the city of Winston-Salem, and from the same or any other initial point in the State of North Carolina, either directly to consumers or users or to any other distributing point in North Carolina which the said company may establish, by the most practical route, to be determined by the board of directors of the company, lines for the transmission of power by wires, on poles or underground, and by cable, pipes, tubes, conduits and all other convenient appliances for power transmission, with such connecting lines and also such branch lines as the board of directors of the company may locate or authorize to be located for receiving, transmitting and distributing power; and the company may acquire, own, hold, sell or otherwise dispose of water-power and water privileges in the State of North Carolina, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or any other means, and for storing, using, transmitting, distributing, selling and developing power, including dams, gates, bridges, sluices, tunnels, stations and other buildings, boilers, engines, machinery, switches, lamps, motors and all other works, structures and appliances in the State of North Carolina: *Provided*, that the amount of land which the company may at any time hold within the State of North Carolina for any one water-power and appurtenant works, as well as the land overflowed or submerged with the water accumulated by dam, shall not exceed ten thousand acres, exclusive of right-of-way: *Provided further*, that lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed, when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities respectively thereof shall, upon application from the company, prescribe.

Lines for transmission of power.

Branch lines.

Water-power and water privileges.

Proviso: limit on ownership of land.

Proviso: lines on streets and highways.

Power to run electric railroads.

Sec. 5. That said company be and is hereby authorized and empowered to survey, lay out, construct and equip, maintain and operate by electrical power a railroad between the cities of Greensboro and Winston-Salem. That said company be and is hereby further authorized and empowered to survey, lay out, construct and equip, and maintain and operate by electrical power a railroad from Winston-Salem, in Forsyth County, by way of Yadkinville, to some point on the Yadkin River in the vicinity of Elkin, and also to survey, lay out, construct and equip, maintain and operate by electrical power a railroad from Shoals to East

Routes.

Bend, in Yadkin County. That both the main line from Greensboro to Winston-Salem and the branch lines as aforesaid shall have power and authority to take and convey persons or property over said roads, and to receive compensation therefor, and to do all things incident to railroad business. Power to convey persons and property.

Sec. 6. That the said company is hereby given power and authority to make, construct, equip, operate and maintain a line or lines of railway with one or more tracks, and with such cars, trolley wires, cable posts, side tracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary through, along and over the streets of any one of the cities and towns through which its line passes, or to which it extends, or any city or town in North Carolina, and to purchase and operate any line of railway now in existence or in operation in any of said cities or towns, or which may hereafter be built and constructed: *Provided, however*, that its cars or carriages shall be operated over and along the streets and avenues of any of said cities or towns with electric power or with such power as shall be approved by the board of aldermen of said city or town: *Provided further*, that its line or lines of railway shall be constructed and operated over and along streets within the corporate limits of any such city or town by and with the consent of the board of aldermen of such city or town, and over and along the public highways and avenues without the corporate limits of said cities or towns by and with the consent of the authorities having lawful supervision and control of said public highways and avenues. Power to construct, equip and operate street railways. To purchase existing lines. Proviso: lines on streets. Proviso: consent of authorities to use streets and highways.

Sec. 7. That the said company shall have power, in addition to the powers heretofore enumerated, to carry on and conduct the business of generating, making, transmitting, furnishing and selling electricity for the purpose of lighting, heat and power, and to furnish and sell and contract for the furnishing and sale to persons, corporations, towns and cities of electricity for illuminating purposes or as motive power for running and propelling engines, cars, machinery and apparatus, and also for all other uses and purposes for which electricity is now or may be hereafter used, and to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, supply and sell electricity, gas and all other kinds of power, forces, fluids, currents, matter and materials used or to be used for the purposes of illumination, heat and power; to carry on any and all business in anywise appertaining to or connected with the manufacture and generating, distributing and furnishing of electricity for light, heat and power purposes, including the transacting of any and all business in which electricity is now or hereafter may be utilized, and all matters incidental or necessary to the distribution of electric light, heat and Power to make and sell electricity for heat and light. Or motive power. Plants.

To manufacture, repair and deal in electrical apparatus.

power; to manufacture and repair, sell and deal in any and all necessary appliances and machinery used in, or which may be required or deemed advisable for or in connection with the utilization of electricity or anywise appertaining thereto or connected therewith; to purchase, acquire, own, use, lease, let and furnish any and all kinds of electric machinery, apparatus and appliances; to purchase, acquire, own, hold, improve, let, lease, operate and maintain water rights and privileges and water-powers; to supply water to persons, corporations, factories, towns and cities for domestic purposes and for use as power and for manufacturing purposes, and to charge, receive and collect such charges and rates therefor as may be deemed advisable or expedient; to construct, acquire, build and operate, maintain and lease in the State of North Carolina canals, ditches and flumes and pipe lines for the conducting of water; to maintain and operate railroads and cross the same, street railways, water lines and tramways, carry freight and passengers thereon, and to charge, collect and receive tolls or taxes for the same; to construct, build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines wherever it may be deemed expedient, and to charge, receive and collect such charges and rates for the use of its telegraph and telephone lines and for the transmission of messages thereon as may be deemed advisable or expedient; to construct, acquire, own, hold, lease, maintain and operate lines of wires, underground conduits, subways and other convenient conduits or appliances for the transmission of electricity and other energies, fluids, forces and currents as may be deemed advisable or expedient; to lease any part or all of its railroads, street railroads, motor lines and tramways to any other company or companies incorporated for the purpose of maintaining and operating a railroad, street railroad, motor line or tramway, and to lease or operate, maintain and operate any part or all of any other railroad constructed by any other company, upon such terms and conditions as may be agreed upon between said companies respectively; to apply to the proper authority of any incorporated city or town, or of any county in the State of North Carolina in which the railways, street railways, motor lines, tramways, telegraph lines, telephone lines, electric light and power lines, plants, underground conduits, subways, wires, poles and appliances of this corporation may extend or be designed or intended now or hereafter to extend, for a grant of any rights, powers, privileges and franchises for the maintenance or operation thereof; to accept, receive, own, hold, lease, all and singular, the same; to acquire by contract, purchase, lease or otherwise, and to accept, own and hold any rights, privileges or franchises heretofore granted to any person, firm, company or corporation, or which may be hereafter so granted, by the proper authorities of any

To acquire, operate and maintain water rights and water-powers and to supply water.

To construct, acquire, operate and maintain canals, ditches, flumes and pipe lines.

To maintain and operate railroads, street railways, water lines and tramways.

Telegraph and telephone lines.

Wires and appliances for conducting electricity.

To lease its property.

To acquire property of other companies by lease.

To apply for and exercise permits for use of streets and highways.

To accept rights, privileges and franchises.

such incorporated city or town, or of any county in the State of North Carolina; to purchase, acquire, lease, rent, own, hold and improve real property in such quantities as may be deemed expedient; to build dwelling houses and to build and operate stores, mills, schools, factories, warehouses and any and all other buildings or structures desirable or convenient; to build, construct, maintain, operate, buy and sell wood, cotton and wool factories, iron furnaces and mines; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient; to lay out and plot any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites and other convenient forms; and to lay out, plot and dedicate to public use or otherwise streets, avenues, alleys and parks; to purchase, possess, own, hold, rent, lease and improve all and any property, real, personal and mixed, necessary, desirable or convenient for the use of the corporation or the transaction of its business or any part thereof, and to do and perform all and other matters and things necessary, proper or convenient for its accomplishment of the objects (and any thereof) above specified. Powers as improvement company.

Sec. 8. When any land and right-of-way may be required by said company for the purpose of constructing and operating its plant, railroads or other works of public or *quasi* public nature, and for want of agreement as to the value thereof or for any other cause the same cannot be purchased from the owner, the same may be taken at a valuation of five commissioners, or a majority of them, to be appointed in term-time by petition to the Judge of the Superior Court of the county where some part of the land is situated, or by the Clerk of the Superior Court of said county. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered: *Provided, nevertheless*, that if any person or persons on whose land the works may be located or the said company shall be dissatisfied with the valuation of the commissioners, then in that case the parties so dissatisfied may file exceptions to the valuation in the pending proceedings, subject to the same rules, regulations and restrictions as in other like cases. The proceedings of the said commissioners, with a full description of the land, shall be returned under the hands and seals of a majority of them to the Clerk of the Superior Court of the county from which the commission issued; thereafter, on confirmation by the judge, to remain a matter of record, and also to be registered in the office of the register of deeds of each county wherein the land condemned lies, and the land so valued shall vest in the said company as soon as the valuation shall have been paid or tendered: *Provided*, that upon application for the appointment of commissioners under Procedure for condemnation of land. Proviso: right of appeal. Proviso: notice to owners.

this section, it shall be made to appear to the satisfaction of the court that at least ten days' notice has previously been given of the application to the owner or owners of the land so proposed to be condemned, or if the owner or owners be under disability, then to the guardian, if any, of such owner or owners, as well as to such owner or owners, or if the owner or owners who are not under disability or the guardian of such owners as are under disability cannot be found in the county, or the owner or owners is or are not known, then that such notice of such application has been published once a week for at least four weeks in some newspaper printed in the vicinity of the court-house of the county in which the application is made, or in case no such newspaper exists, then at the court-house door of the county and four other public places: *Provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any clerk of the court, justice of the peace, or other person authorized by law to administer oaths: *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove or invade the burial ground of any individual without his or her consent. Every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper or expedient. Meetings of the stockholders and directors may be held at Shoals or in the city of Winston, or elsewhere in the State of North Carolina, at such times and places as the stockholders may in the by-laws or otherwise prescribe.

Proviso: valuation on oath.

Proviso: limit on right of condemnation.

Votes of stockholders.

By-laws, rules and regulations.

Meetings of stockholders and directors.

Number of directors.

Election.

Term of office.

President: vacancies.

Sec. 10. The board of directors shall be composed of stockholders of said company, and shall consist of such number as the stockholders shall prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company shall direct, and shall continue in office for the term of one year from and after the date of their election and until their successors are elected and accept the duties of office; and they shall choose one of their number president, and in case of death, resignation, or incapacity of any member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

Sec. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 261.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and fifteen (115) of the Private Acts of one thousand eight hundred and ninety-nine be and the same is hereby amended as follows: By striking out all of section two (2) of said act, except the first line of said section, and inserting in the place of the part stricken out the following: "Beginning on the southern bank of Tar River at a line between C. T. Munford and Frank Johnston, thence a southerly course with western boundary of Frank Johnston's land to the southern side of the Greenville and Washington road; thence an easterly direction with the southern side of said road to the western side of the public road just east of W. H. Harrington's house; thence a southerly course with the western side of said road and continuing in same direction to the northern line of S. T. White's property; thence a southerly course in a direct line crossing the Raleigh and Pamlico Sound Division of the Norfolk and Southern Railway at the western end of the trestle of the said railway, at the point where said railway crosses the county road near Green's mill run, to the southern boundary of the right-of-way of said railway; thence a westerly course with the southern boundary of said railway to the iron culvert across said railway at the line between the House and Atkins property and T. R. Moore's land; thence a northerly course with a ditch to the old plank road; thence a northerly course in a direct line to the eastern side of roadway between the James L. Moore property and the Perkins property at the southwest corner of the said Perkins property; thence with the eastern side of said roadway or lane to the southern side of the Greenville and Falkland road; thence with the southern side of said road to a point opposite R. A. Tyson's southeastern corner; thence across the road to said Tyson's corner; thence a northerly course with said Tyson's eastern line or a line continuing in same direction to Tar River; thence an easterly course with the southern bank of Tar River to the beginning." Corporate limits.

Sec. 2. That said chapter one hundred and fifteen (115) of the Private Acts of one thousand eight hundred and ninety-nine be and the same is hereby further amended by striking out all of section four (4) of said act and putting in place of said section four (4) the following: "That an election shall be held annually on the first Monday in June of each and every year by the qualified voters residing in the several wards of said town for the election of aldermen; and the First Ward shall elect one alderman Town elections.

Terms of aldermen. each and every year, whose term of office shall be one year; and the Second Ward shall elect at the election to be held on the said first Monday in June, one thousand nine hundred and seven, two aldermen, one of said aldermen to be elected for a term of one year and the other of said aldermen to be elected for a term of two years, and said ward shall elect each and every year thereafter one alderman for the term of two years; and the Third Ward shall elect at the election to be held on the first Monday in June, one thousand nine hundred and seven, two aldermen, one of said aldermen to be elected for a term of one year and the other of said aldermen to be elected for a term of two years, and said ward shall elect each and every year thereafter one alderman for the term of two years; and the Fourth Ward shall elect at the election to be held on the first Monday in June, one thousand nine hundred and seven, two aldermen, one of said aldermen to be elected for a term of one year and the other of said aldermen to be elected for a term of two years, and said ward shall elect each and every year thereafter one alderman whose term of office shall be two years; and the Fifth Ward shall elect each and every year one alderman whose term of office shall be one year."

Sec. 3. That said chapter one hundred and fifteen (115) of the Private Acts of one thousand eight hundred and ninety-nine be and the same is hereby further amended by striking out all of section five (5) of said act after the word "to-wit" in the second line of said section and inserting in the place of the part stricken out the

First ward. following: "The First Ward shall begin at a point on the southern bank of Tar River at the line between C. T. Munford and Frank Johnston; thence a southerly course with western boundary of Frank Johnston's land to the Greenville and Washington road; thence a westerly course with said road and Third Street and Third street extended to the western boundary of said town in a northerly direction to Tar River; thence an easterly course with

Second ward. the southern bank of Tar River to the beginning. The Second Ward shall begin at the southeastern corner of First Ward, thence in a westerly direction with the southern boundary of First Ward, Third Street and Third Street extended to the western boundary of said town; thence in a southerly direction with the western boundary of said town to the Greenville and Falkland road; thence in an easterly direction with said road and Fifth Street and Fifth Street extended to the eastern boundary of said town; thence in a northerly direction with the eastern boundary of said town to the Greenville and Washington road; thence with the boundary of said town to the beginning, the southeastern corner

Third ward. of First Ward. The Third Ward shall begin at the southwestern corner of Second Ward and thence with the southern boundary of said ward and Fifth Street to Five Points; thence with Dickinson Avenue to the western boundary to said town; thence with

the western boundary of said town to the beginning. The Fourth Ward shall begin at Five Points at the intersection of Evans Street and Dickinson Avenue and running thence with Dickinson Avenue and the boundaries of Third Ward to the western boundary of said town; thence in a southerly direction with the western boundary of said town to the southwestern corner of said town; thence in an easterly direction with the southern boundary of said town to Evans Street extended; thence with Evans Street extended and Evans Street in a northerly course to the beginning at Five Points. The Fifth Ward shall begin at the intersection of Fifth and Evans Streets at Five Points; thence in a southerly course with Evans Street and the line of Fourth Ward to the southern boundary of said town; thence in an easterly direction with the southern boundary of said town to the southeastern corner of the corporate limits of said town; thence in a northerly direction with the eastern boundary of said town to southeastern corner of Second Ward; thence in a westerly direction with the southern boundary of Second Ward and Fifth Street to the beginning."

Fourth ward.

Fifth ward.

Sec. 4. That this act shall be in force from and after its ratification.

Sec. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 262.

AN ACT TO ESTABLISH THE MOCKSVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. That all the territory embraced within the corporate limits of the town of Mocksville, Davie County, North Carolina, shall be and the same is hereby constituted a school district for white and colored children to be known as the Mocksville Graded School District.

Town made school district.

Sec. 2. That the Board of Commissioners of the Town of Mocksville, upon a petition of one-fourth of the qualified voters of said town, be and it is hereby authorized, empowered and directed to submit to the voters of said town on Tuesday after the first Monday in May, one thousand nine hundred and seven, the question whether or not there shall be levied and collected a special tax for graded school purposes, and to issue bonds therefor. The election provided for herein shall be held and conducted under the same rules and regulations as are now provided by law for the election of municipal officers of said town, and the re-

Election called by petition.

Date.

Law governing election.

turns shall be made out and the result declared in like manner:

Proviso: notice of election.

Provided, however, notice of said election shall be given for thirty days prior thereto at three or more public places in said town.

Separate box.

A separate box shall be provided for the ballots cast at said election, and the voters shall vote on a separate ballot from that

Ballots.

on which they vote for municipal officers. Those who favor establishing graded schools and issuing bonds for the necessary building and levying the tax necessary for the maintenance of the said schools and payment of the interest on said bonds shall vote a ballot on which shall be written or printed the words "For Schools," and those who are opposed thereto shall vote a ballot on which shall be written or printed the words "Against

Effect of election.

Schools." In case a majority of the qualified voters at said election be in favor of the tax and the bond issue hereinafter provided for, said tax shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes, and said bonds shall be issued in the manner hereinafter provided:

Proviso: successive election.

Provided, that if a majority of the qualified voters of said election shall not be in favor of issuing bonds and levying such tax, said Board of Commissioners of the Town of Mocksville may order another election at any time within two years when one-fourth of the qualified voters in said town shall petition for the same; and if at such election a majority of the qualified votes shall be for schools, it shall have the same force and effect as if no election had been previously held.

Levy and collection of tax.

Sec. 3. That the taxes levied and collected for graded school purposes under this act shall be governed by the laws for the levy and collection of municipal taxes for the town of Mocksville.

Bond issue authorized.

Sec. 4. That if a majority of the qualified voters shall be for schools, the board of commissioners of said town shall be and it is

Amount.

hereby authorized, empowered and directed to issue bonds of said town to an amount not exceeding five thousand dollars, of such denominations and of such proportions as said board of com-

Interest.

missioners may deem advisable; said bonds shall bear interest from date thereof at a rate not exceeding five per cent., with interest coupons attached, payable semi-annually at such time or times and at such place or places as may be deemed advisable by said board of commissioners, such bonds to be of such form

Maturity.

and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places in the town of Mocksville as said board of commissioners may determine.

Appropriation of proceeds.

Sec. 5. That the proceeds arising from the sale of said bonds, or of such part thereof as may be necessary, shall be expended by said board of trustees hereinafter named in providing by purchase or otherwise such graded school sites and buildings as may be necessary and furnishing the same with necessary equipments.

Not to be sold below par.

Sec. 6. That said bonds shall not be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said

bonds or their proceeds be used for any purpose other than the purposes mentioned in section two of this act.

Special tax. Sec. 7. That for the purpose of providing for the payment of said bonds and the interest thereon and of defraying the expenses of the public graded schools provided for in this act, the board of commissioners shall, on the first Monday in June, beginning next after the adoption of this act by a majority of the qualified voters of said town and annually thereafter, levy and lay a special tax on all persons and property subject to taxation within the limits of said town, on which said board of commissioners may now are hereafter be authorized to lay and levy taxes for any school purposes; said special taxes not to exceed Limit. fifty cents on the one hundred dollars' valuation of property and not more than one dollar and a half on each taxable poll: *Provided*, that the constitutional equation between the property and polls shall at all times be observed by said commissioners in the levying of said taxes. Proviso: constitutional equation to be observed.

Collection of tax. Sec. 8. That said taxes shall be collected by the Tax Collector of the Town of Mocksville at the time and in the same manner as other town taxes are collected, and full power and authority for this purpose are hereby conferred upon said tax collector, and that said tax collector shall faithfully collect, keep and turn over to the secretary and treasurer of said school board all such moneys that he collects for the use of said graded schools: *Provided*, that he shall receive as compensation for his services not more than two per cent. of the amount collected, as may be fixed by the board of trustees hereinafter named. He shall take receipts from Vouchers. the secretary and treasurer of said school board hereinafter named for all moneys paid him, which receipts shall be his legal vouchers in settlement with the board of trustees hereinafter named. He shall give such bond for the faithful performance Bond. of his duties as said board of trustees may require. Said secretary and treasurer shall faithfully and safely keep such moneys as may come into his hands for the use of said graded schools, and shall pay the same out only upon a warrant signed by said secretary and treasurer and countersigned by the chairman of said board of trustees: *Provided*, that said secretary and treasurer shall enter into a good and sufficient bond in such amount as said board of graded school trustees may direct, conditioned for the faithful keeping and disbursing of said taxes and other funds that may come into his hands, or the hands of any other person for him, for the use and benefit of said graded schools: *Provided*, the bond of said treasurer shall be at least fifty per cent. greater than the amount of school funds which may come into his hands. Proviso: compensation of tax collector. Warrants for school funds. Proviso: bond of secretary-treasurer. Proviso: amount of bond.

Trustees named. Sec. 9. That the following persons shall constitute the board of trustees of said graded schools: E. E. Hunt, J. L. Sheek, J. W. Rodwell, C. F. Meroney and Jas. F. Moore. The first three shall Terms of office. hold office from the date of the election provided for in section

two of this act, if a majority of the qualified voters of said town vote for schools, till the general election for municipal officers for the town of Mocksville in one thousand nine hundred and nine, at which general election the successors of the first class shall be elected for a term of four years. The last two shall hold office from the date of election provided for in section two of this act till the general election for municipal officers for the town of Mocksville in one thousand nine hundred and eleven, at which general election their successors shall be elected for a term of four years, and at each general municipal election thereafter, as the terms of office shall expire (in classes one and two respectively), the vacancies shall be filled at like times and in like manner as the above: *Provided*, that the said board of trustees shall have power to fill any vacancy that may occur by death, resignation or for any unexpired term caused by such death or resignation, and it is enacted that the provisions of section two of this act shall be and are hereby extended to the election of the members of the aforesaid board of trustees.

Proviso: vacancies.

Trustees incorporated.

Corporate name.

Corporate powers.

Sec. 10. That the said board of graded school trustees and its successors shall be and they are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Mocksville," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold and exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal.

Graded schools to be established.

Sec. 11. The board of graded school trustees shall establish graded public schools for the white and colored children for said town, and the said board of trustees shall appropriate and use the funds derived from special taxes and from other sources in such manner as it may deem just to both races.

Trustees to have exclusive control.

Officers and teachers.

School census.

Sec. 12. That said board of trustees shall have exclusive control of all public schools in said town, free from the supervision and control of the county school authorities; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken, in accordance with the general school law of the State, an accurate census of the school population of said town, and shall exercise such other power as may be necessary for the successful control and operation of said school.

Trustees to meet and organize.

Sec. 13. If the majority of the qualified voters at the election provided for in section two of this act shall be in favor of said graded schools, the board of trustees herein provided for shall meet within ten days thereafter and organize by electing a chairman and secretary and treasurer and adopting such rules and regulations as to it may seem proper.

Present school authorities.

Sec. 14. That the school authorities as at present constituted shall carry on the public schools in said town until a graded school as provided for in this act shall be established by said board of trustees.

School funds to be paid over.

Sec. 15. That upon the organization of said board of trustees, as provided by section thirteen of this act, the Treasurer of Davie County shall pay over to the secretary and treasurer of said board of trustees, when sufficient bond has been fixed, given and approved, all school funds which may then be in his hands belonging to that portion of the present school district included within the corporate limits of said town.

Apportionment from general school funds.

Sec. 16. That all public school funds derived from the State and from the county of Davie for the use and benefit of the public schools in said town shall be paid over to the secretary and treasurer of said board of trustees by the treasurer of said county for the use and benefit of the graded public schools in said town, and the property, both real and personal, of the public school district embraced within the corporate limits of said town shall become the property of said graded school, and the title thereto shall be vested in said board of trustees in trust therefor; and the said board of trustees may in its discretion sell the same or any part thereof and apply the proceeds to the use of the schools to be established under authority of this act: *Provided*, that all sales of real property made by said board of trustees shall be at public auction at the court-house door in the town of Mocksville, after thirty days' advertisement in some newspaper published in Davie County.

Property of graded school.

Sales authorized.

Proviso: sales to be public and advertised.

Text-books.

Non-resident pupils.

Sec. 17. That said board of trustees may adopt the text-books for said schools; it may admit pupils residing without the limits of said town upon such terms as said board may deem reasonable, and fix a rate of tuition to be charged therefor: *Provided*, there shall be accommodation more than adequate for the children of school age within the said town.

Superintendent.

Sec. 18. That said board of trustees shall elect a superintendent, who shall supervise said graded schools and exercise such other powers and discharge such other duties as said board of trustees may prescribe, subject to removal at the discretion of the said board of trustees. Said board of trustees shall also select any number of competent teachers for the different grades of said school as it in its judgment may deem necessary.

Teachers.

Statements to be published.

Sec. 19. That the board of trustees shall publish in said town an annual itemized statement of the receipts and expenditures on account of and for the said graded schools. Said statement shall be posted for thirty days at the court-house door in the town of Mocksville.

Apportionment from public school fund.

SEC. 20. That the school authorities having authority under the general school laws of the State shall, in the apportionment of all public school funds to said graded schools, apportion the same upon a *per capita* basis.

SEC. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 263.

AN ACT TO AMEND AN ACT PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY, ENTITLED "AN ACT TO AMEND CHAPTER 83, PRIVATE LAWS OF 1891, AS AMENDED BY CHAPTER 127, PRIVATE LAWS OF 1895 AND CHAPTER 63, PRIVATE LAWS OF 1901, RELATING TO THE CHARTER OF THE TOWN OF WELDON, HALIFAX COUNTY, NORTH CAROLINA," THE SAME BEING H. B. 771 AND S. B. 319.

The General Assembly of North Carolina do enact:

Liquor license.

SECTION 1. That there be added to section four of said act the following words: "Except that section two hereof shall not go into effect until July first, one thousand nine hundred and eight."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 264.

AN ACT TO AMEND CHAPTER 349 OF THE PRIVATE LAWS OF 1905, INCORPORATING BELHAVEN GRADED SCHOOL DISTRICT, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-nine of the Private Laws of one thousand nine hundred and five, incorporating Belhaven Graded School District, in Beaufort County, be and the same is hereby amended in the following manner: In section four of said chapter strike out in line three (3) the words "thirty

cents," and in lieu thereof insert "fifty cents"; also in said chapter and section in line four (4) strike out "ninety cents," and in lieu thereof insert the words "one dollar and fifty cents." Tax rate.

Sec. 2. That this act shall be submitted to the qualified voters of the town of Belhaven at an election to be held on such day as the board of aldermen of said town shall direct, which election shall be held under the rules and regulations and restrictions as are provided by law for the election of town aldermen of said town, and the returns made and results declared in accordance with the rules provided for in such elections. Those favoring the issue shall vote a ticket on which shall be written or printed the words "For Graded School Tax," and those opposing shall vote a ticket on which shall be written or printed the words "Against Graded School Tax." That in the event there shall be a majority of the votes which are in favor of graded school tax, then the board of aldermen of said town shall levy and collect the tax as provided in this act, but if a majority of the votes cast shall be against graded school tax, then this act shall be without effect. Act to be submitted to voters. Law governing election. Ballots. Effect of election.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 265.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF COLUMBIA, PRIVATE LAWS OF 1899, CHAPTER 147, SECTION 2.

The General Assembly of North Carolina do enact:

Section 1. That section two of the said act be and the same is hereby repealed and the following enacted in its stead, viz.:

"Sec. 2. That the corporate limits of the town of Columbia shall hereafter be located and defined as follows: Beginning on the east side of Scuppernong River at the mouth of a ditch or canal known as the William McClease ditch or canal, then along the east bank of the said river to a marked cypress bearing two chops on the north side and two chops on the south side; then north fifty-six degrees east fifteen poles to a cluster of three small marked cypresses; then north eighty-two degrees east forty-nine and one-half poles to the southeast corner of the lot owned by D. A. Sample, and on which T. J. Davenport formerly resided, and whereon Abe Dillon now resides; then along the line of the said lot to the Branning Manufacturing Company's railroad; then along the north side of the Branning railroad to the southwest Corporate limits.

corner of the land of Thomas Armstrong, and on which Laura A. Armstrong now resides; then along the said line, being the dividing line between Bateman and Majette on one side and the land of the said Armstrong on the other, to Main Street, or the road which is the extension of Main Street; then a straight course to the southeast corner of the land of the heirs of the late Joseph A. Spruill, deceased; then along the east line of the said Spruill tract to the line of W. C. Alexander at his ditch; then along the line or ditch to the public road leading from Columbia to Sound Side; then same course of the said line or ditch to the Scuppernong River, and along the said river to the beginning."

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 266.

AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO ISSUE BONDS.

Preamble.

Whereas, the Board of Aldermen of the City of Washington, North Carolina, desires to be empowered by law to offer donations and attractions for the establishment of an eastern training school, which it is proposed to be provided for by the General Assembly at its session of one thousand nine hundred and seven, at or in the vicinity of said city: now therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Aldermen of the City of Washington be and it is hereby authorized and directed to issue coupon

Denominations.

bonds in such amount as it deems best, and in denominations of not less than one hundred dollars ($100) nor more than one

Interest.

thousand dollars ($1,000), bearing interest from date of bonds at a rate not to exceed five per cent. per annum and payable semi-annually at such place as the board of aldermen may direct on the first days of January and June of each year until said bonds

Maturity.

are paid. That the principal of said bonds shall be made payable at a time and place to be fixed by the said board of aldermen, and to be named therein, not to be less than twenty years nor

Proviso: bonds may be classified.

more than fifty years from the date thereof: *Provided*, said board may divide said bonds into classes as it may determine best and have them mature at different dates between the limits aforesaid. That said bonds and their coupons shall be numbered, and

Authentication.

the said bonds shall be signed by the Mayor of the City of Washington and countersigned by the clerk of the said board and have the corporate seal affixed thereto, and the coupons attached

thereto shall be signed by the mayor of the city. That a record of said bonds shall be kept, showing the numbers and denominations thereof and to whom sold, the dates of issuing thereof and when the same will mature and the rate of interest thereon, the amount received from the sale thereof and such other data in relation to the same as the board of aldermen may direct to be kept. That said bonds, when issued, and the interest accumulating thereon shall be fully binding upon said city and its property, and shall show upon their face the purpose for which they were issued. Record of bonds.

Sec. 2. That said bonds and coupons herein provided for shall not be subject to taxation by the city until after maturity and tender made, and if holder fails to present said bonds and coupons at maturity, they shall not draw interest after maturity. That said bonds shall be sold under the direction of the board of aldermen, but shall not be sold for less than par. That the proceeds arising from the sale of said bonds, less the necessary expenses of issuing bonds and holding election, shall be paid to the board of trustees (or such person as it may designate) of the Eastern Training School, proposed to be established by the General Assembly of North Carolina at session of one thousand nine hundred and seven, after said school shall have been permanently located in said city, or at a point near thereto and approved by said board of aldermen. Exemption from taxation. Sale of bonds. Disposition of proceeds.

Sec. 3. That the said bonds shall not be issued nor the taxes herein authorized levied until authorized by a majority of the qualified voters of the city of Washington at a public election to be held in said city. That said board of aldermen shall order said election upon the written petition of as many as two hundred citizens, who are qualified voters in municipal elections in said city. Said petition shall designate the date of such election, and the election shall be ordered for such date. Said election shall not be ordered except upon said written petition made within two years from the ratification of this act. Said board of aldermen may, if it deem it advisable, order a new registration for said election, and, if it do order a new registration, notice of such new registration shall be given for twenty days before the books are open for registration by publishing a notice in some newspaper in said city, and the registration books shall be opened for thirty days before the date of election and shall stay open for a period of twenty days. Said election shall be advertised by said board of aldermen for thirty days prior to the date of election, in one or more newspapers published in said city, and said advertisement shall specify the amount of bonds for which electors shall vote, and shall be held in accordance with the provisions of the charter of said city for holding elections for mayor and aldermen, as far as the same may be applicable thereto, and all provisions of the charter of said city relating to elections and quali- Issue to be authorized by voters. Election ordered on petition. New registration. Registration. Notice of election. Law governing election.

Returns.

Canvass of returns.

Ballots.

Effect of election.

fications of voters shall apply unless manifestly repugnant to the clear meaning of this act; and the returns of the result of said election shall be made and certified by said election officers to the board of aldermen of said city, and the result thereof shall be canvassed by the said board of aldermen and the result duly declared. That at said election those who are in favor of issuing said bonds and levying the taxes herein provided for shall vote ballots with the words "For Training School," and those opposed to issuing said bonds shall vote ballots with the words "Against Training School" written or printed thereon. That if at said election the majority of qualified voters shall cast their ballots "For Training School," then said board of aldermen shall proceed at once to issue said bonds in the amount called for in the notice of the election.

Special tax for interest and sinking fund.

Specific appropriation.

Proviso: surplus transferred to general fund.

Sec. 4. That in order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the board of aldermen of said city of Washington shall levy and collect a special tax upon all subjects for taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city, as may be necessary for that purpose, observing the equation of taxation between property and the polls fixed by law; and the money paid into the city treasury, received from the taxes levied under this act, shall be appropriated for the purpose of paying said bonds and interest coupons and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed may then, by order of the board of aldermen, be transferred to the general fund of the city of Washington. The taxes herein provided for shall be collected in like manner as the other taxes of said city.

Trustee of sinking fund.

Compensation and bond.

Duty of trustee.

Proviso: trust or banking company.

Sec. 5. The board of aldermen of said city of Washington may, at any time it deems it advisable, appoint some individual or banking or trust company as trustee, whose duty it shall be to receive from the Tax Collector of the City of Washington all taxes collected under this act for the purpose of paying the interest on said bonds, and for creating a sinking fund for paying the principal of said bonds at maturity. Said board of aldermen shall fix the compensation of said trustee and the amount of his bond. It shall be the duty of said trustee to pay the interest on said bonds as the coupons become due, and to invest the surplus money coming into his hands in such a manner as shall meet with the approval of the said board of aldermen: *Provided*, that the trust or banking company selected by the board shall be one in which no member of said board or any city official has an interest.

Conditions of act.

Sec. 6. The provisions of this act shall not go into effect and the election herein provided for shall not be called unless the

trustees (or the body authorized in said act to select a site therefor) of the Eastern Training School to be established by the General Assembly of North Carolina at the session of one thousand nine hundred and seven shall locate said school in Beaufort County and in said city of Washington, or in its vicinity, at a point satisfactory to the board of aldermen of said city, or shall offer to so locate said school upon being assured of the donation of a certain sum of money, and any issue of bonds upon expectation that said school shall be located as above shall be void unless the school is so located.

Bonds void.

Sec. 7. That the bonds herein authorized shall not be sold for less than par.

Bonds not to be sold below par.

Sec. 8. That all laws and clauses of laws in conflict with this act are repealed.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 267.

AN ACT TO CONFER POLICE POWERS ON SHERIFFS AND DEPUTY SHERIFFS AT DRAPER AND AVALON, ROCKINGHAM COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Duties of sheriff, deputies and constable.

Section 1. That it shall be the duty of the Sheriff of Rockingham County and any deputy sheriff in said county, living and residing at the villages of Draper and Avalon, in said county, or appointed by the sheriff of said county for Leaksville and Madison Townships, and all other deputy sheriffs of said county, who may be present at said villages of Draper and Avalon, and the constables of Leaksville and Madison Townships, in said county, and he or they shall have the power to suppress all disturbances of the peace, quiet and good order of and in the villages of Draper and Avalon and in a territory of one and one-half miles in every direction from the public school buildings situated in said villages of Draper and Avalon, and to arrest all offenders of the same, and to prevent as far as possible all injury to property in said villages and within the above territory. Said sheriff, deputy sheriffs and constables shall have authority and power, if resisted in his or their official duties, to summon a sufficient number of men to aid him or them in enforcing the law, and if any person so summoned shall refuse to assist, the said sheriff, deputy sheriffs or constables, is or are hereby required to report the name of

Power to summon assistance.

such person or persons to the proper authorities to the end that he or they may be dealt with as the law directs. Said sheriff, deputy sheriffs and constables shall have the power to enter the enclosure and house of any person or persons in the aforesaid villages and aforesaid territory of one and one-half miles from the said public school buildings without warrant, when he or they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and, if necessary, to summon a *posse* to aid him or them, and all persons so summoned shall have like authority of entry and arrest. Any person arrested by said sheriff, deputy sheriffs or constables for any offense shall, as soon as practicable, be taken before some justice of the peace of Rockingham County, when and where formal complaint shall be lodged against such person as prescribed by law, to the end that such person may have a speedy trial and be dealt with as the law directs, and in the meantime and until the case is disposed of, such person or persons under arrest may be detained and confined in a guard-house or calaboose provided for that purpose by any of said officers, unless bail is given as provided by law.

Power to enter enclosures and houses.

Persons arrested to have speedy trial.

Sec. 2. That such sheriff, deputy sheriffs and constables shall have the same power and authority in said village and in said territory as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

Authority of policemen.

Sec. 3. That all of said officers, when on duty, shall wear a metallic shield with the words "Policeman" or "Deputy Sheriff of Rockingham County" inscribed thereon, and said shield shall always be worn in plain view except when employed as a detective.

Badges to be worn.

Sec. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 268.

AN ACT FOR THE RELIEF OF W. H. BURWELL AND A. H. HAUGHAWONT, PUBLIC SCHOOL TEACHERS IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Caswell County be and he is hereby authorized and directed to pay to W. H. Burwell, out of school funds of District Number Sixteen, colored race, which may come or now are in his hands belonging to said district, the sum of thirty dollars and twenty-three cents, being amount due him

Payment to W. H. Burwell.

for teaching the public school in said district for the year one thousand nine hundred and five; said claim being approved by township committeemen, county superintendent and county board of education.

Payment to A. H. Haughawont.

Sec. 2. That the Treasurer of Caswell County be also authorized and directed to pay to A. H. Haughawont, out of school funds of District Number Five, colored race, which may come or are now in his hands belonging to said district, the sum of twenty-five dollars, being the amount due him for teaching the public school in the said district for the year one thousand nine hundred and six; said claim being approved by township committeemen, county superintendent and county board of education.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 269.

AN ACT TO AMEND THE CHARTER OF THE VIRGINIA AND CAROLINA SOUTHERN RAILROAD COMPANY, AND TO ALLOW IT TO INCREASE ITS CAPITAL STOCK.

Preamble.

Whereas, the Virginia and Carolina Southern Railroad Company was duly incorporated by the General Assembly of North Carolina by chapter two hundred and thirty-three, Private Laws of one thousand nine hundred and three, and was duly organized on the eleventh day of January, one thousand nine hundred and seven, under the terms of the said act; and whereas, the said corporation now desires to amend its charter as hereinafter set forth: now therefore,

Preamble.

The General Assembly of North Carolina do enact:

Incorporation confirmed.

Section 1. That the incorporation and organization of the said Virginia and Carolina Southern Railroad Company under chapter two hundred and thirty-three, Private Laws of one thousand nine hundred and three, are hereby ratified and confirmed, and the said act is hereby re-enacted; and the said corporation shall have, use and enjoy all rights, privileges, powers, franchises and immunities heretofore granted to it under said chapter two hundred and thirty-three, Private Laws of one thousand nine hundred and three, together with all the rights, privileges, powers, franchises and immunities specified in this act.

Route.

Sec. 2. That said chapter two hundred and thirty-three, Private Laws of one thousand nine hundred and three, be and the same is hereby amended by inserting after the word "Robeson" and before the word "State," in line seven of section two of said act, the

words "or county of Cumberland," and by inserting after the word "river" and before the word "in," in line fourteen of section two of said act, the words "or any other point," and by inserting between the words "main" and "line," in line fourteen of said section two, the words "or any branch."

Capital stock.

Sec. 3. That said chapter two hundred and thirty-three, Private Laws of one thousand nine hundred and three, be and the same is hereby further amended by inserting after the word "determine" and before the word "the," in line six of section three of said act, the following: "The stockholders may, by a majority vote, further increase said capital stock from time to time to an amount not exceeding one million dollars: *Provided*, that before increasing said capital stock above the amount of five hundred thousand dollars they shall pay to the State of North Carolina the fees and taxes provided by law upon such increase as may be made."

Power of condemnation of land.

Sec. 4. That section eleven of said chapter two hundred and thirty-three, Private Laws of one thousand nine hundred and three, be amended by inserting after the word "land" and before the word "over," in line two of said section eleven, the words "or any railroad company owning any right-of-way, or any town or city owning any street or public way," and by inserting after the word "land" and before the word "for," in line three of said section eleven, the words "or rights-of-way."

Sec. 5. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 270.

AN ACT TO AMEND CHAPTER 28 OF THE PRIVATE LAWS OF 1895, IT BEING AN ACT TO INCORPORATE THE TOWN OF SOUTH BILTMORE, IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Beginning point of boundary.

Section 1. That section two of chapter twenty-eight of the Private Laws of one thousand eight hundred and ninety-five, it being an act to incorporate the town of South Biltmore, in Buncombe County, be and the same is hereby amended by striking out in line two the word "Western" and inserting in lieu thereof the word "Eastern."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 271.

AN ACT TO DEFINE THE BOUNDARIES OF JACKSON TOWNSHIP WHITE SCHOOL DISTRICT NO. 1, IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the boundaries of Jackson Township White School District Number One, in Nash County, organized under the provisions of section seventy-two, Public Laws of one thousand nine hundred and one, are declared to be as follows: Beginning on the south side of Tar River at W. D. Strickland's upper corner, thence along his line southerly to Cooper's Creek; thence up this creek to Mordecai Brantley's line; thence with Brantley's line to Cooper's Creek; thence up Cooper's Creek to the line of White District Number One, Ferrell's Township; thence taking in the lands of J. W. Finch; thence with the J. W. Finch and Handy Brantley's line to W. S. Brantley's line; thence with W. S. Brantley's east line to Toisnot Swamp; thence down said swamp to the line of J. W. Farmer; thence southerly with the said Farmer's line to the line of Mt. Pleasant School District; thence easterly with said line to the line of White District Number Two, Jackson's Township; thence with Number Two's line to Number Three's line; thence with Number Three's line to the river; thence up the river to "York's bridge"; thence across the river, taking in the lands of J. H. Pitts; thence back to the river; thence up the river to the beginning, excluding the land of Mordecai Brantley, Handy Brantley and W. S. Brantley. Metes and bounds.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 272.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE GRADED SCHOOLS IN THE TOWN OF WAYNESVILLE, AND TO PROVIDE FOR THE ISSUANCE OF BONDS TO PURCHASE LAND AND CONSTRUCT AND EQUIP AN ADDITIONAL BUILDING.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the Town of Waynesville is hereby directed and required to submit to the qualified Election ordered.

Question to be voted on.

voters of said town, at the next election for municipal officers for said town, to be held next May, the question whether an annual tax shall be levied on the property and polls of said town to pay the interest on the bonds in this act hereinafter provided to be issued, should a majority of the qualified voters of said town authorize the issuance of bonds as provided in this act.

Ballots.

Sec. 2. That at the election held under the provisions of this act those qualified voters who favor the levying of such tax and the issuance of said bonds shall vote a printed or written ballot with the words "For School Bonds" upon it, and those qualified voters opposed to issuing said bonds and the levying of said tax shall vote a written or printed ballot with the words "Against School Bonds" upon it.

Bond issue authorized.

Sec. 3. That if a majority of the qualified voters shall vote at said election in favor of the levying of said tax and the issuance of bonds, then the board of aldermen of said town shall issue, pledging the credit of said town, coupon bonds to an amount not exceeding twenty thousand dollars, in such denominations as the said board may elect, the interest to be at the rate of five per centum per annum, payable on the first days of July and January; said bonds and interest to be payable at such place as said board may designate, and said bonds shall become due and payable thirty years from the date thereof. And the said bonds and coupons shall each be numbered and signed by the mayor of said town and countersigned by the treasurer of said town, and a record shall be kept by the town clerk and by the town treasurer of all bonds, observing the number, the amount and to whom sold. The coupons shall be received in payment of all debts due the town. And the said bonds shall not be sold at less than their par value, but the said board of aldermen may in its discretion pay a commission of not more than two and one-half per centum of the amount of the issue, should the same become necessary to effect a sale of the said bonds.

Amount.

Denominations.

Interest.

Maturity.

Authentication.

Record.

Coupons receivable for taxes.

Bonds not to be sold below par.

Commission on sale.

Application of proceeds.

Sec. 4. That the proceeds arising from a sale of the said bonds shall be used exclusively to purchase additional land, if such a course is deemed wise by said board, and in erecting and equipping a modern graded school building, with a large auditorium on the second floor.

Tax for interest and sinking fund.

Sec. 5. That in order to pay the interest on said bonds as the same shall become due, and to create a sinking fund with which to pay the principal of said bonds when the same shall become due, it is hereby made the duty of the board of aldermen of said town to annually compute and levy, at the time of the levying of other taxes of said town, a sufficient special tax upon the property and polls of said town, at all times observing the constitutional equation, with which to regularly and promptly pay the interest on said bonds, and with which to pay, out of the sinking fund, the principal of said bonds at maturity thereof. This

Collection of taxes.

special tax shall be collected by the tax collector of the town as other taxes and paid to the town treasurer, and the taxes levied and collected under the provisions of this act shall be kept separate from other taxes and only applied as herein provided. Specific appropriation.

Sec. 6. That should the board of aldermen of said town, after deciding that additional land is needed for graded school purposes in said town, be unable to purchase at what may seem to it a fair price any land so desired, then said board shall in writing request the Sheriff of Haywood County to summon five freeholders, residents of said town, disinterested and not of kin to the owner of the land desired by said board for the purposes aforesaid, who shall go upon the lands, view the same and report in writing to the said board of aldermen at the next regular meeting of said board held after their having been summoned, and if the valuation placed on said land desired for the purposes aforesaid is acceptable both to the owner or owners and to said board of aldermen, then the said board will pay for said land and take a deed thereto to the town of Waynesville; but if the price placed on said land is not acceptable to either the owner or owners or to the board of aldermen, then either party dissatisfied with the valuation as reported by the five jurors may appeal to the Superior Court, and such appeal shall have precedence over all other civil actions; and the court shall make such order or orders in respect to prosecution bond and costs as may be just and equitable, and the decree of the court at the conclusion of the litigation shall vest the title in "The Town of Waynesville," upon the payment of such sum as may be adjudged a fair and reasonable price for the land taken for the purposes aforesaid. Condemnation of land. Appeals.

Sec. 7. That the Board of Education of the County of Haywood and its successors are hereby authorized and empowered to pay into the treasury of the town of Waynesville five thousand dollars out of the public school funds of said county, one-third of which to be paid September first, one thousand nine hundred and seven, one-third September first, one thousand nine hundred and eight, and one-third September first, one thousand nine hundred and nine, the same to be expended by said board of aldermen in equipping, maintaining and improving the buildings in which are now or in which hereafter may be taught children in the graded schools of the town of Waynesville. Payment from county fund.

Sec. 8. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 273.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF WHITEVILLE, IN COLUMBUS COUNTY, TO ORDER AN ELECTION AND ISSUE BONDS.

The General Assembly of North Carolina do enact:

Election to be ordered.

Section 1. That the Commissioners of the Town of Whiteville, North Carolina, be and they are hereby authorized and empowered to order an election to be held in the town of Whiteville on a date

Notice of election.

to be designated by said commissioners, which election shall be advertised at the court-house door and four other public places in said town for thirty days immediately preceding the date designated for holding said election.

Law governing election.

Sec. 2. That the election provided for in section one of this act shall be held under the same rules and regulations, qualifications and restrictions as to the eligibility of electors to vote in said election, and in all other particulars as are prescribed by law for holding elections in said town of Whiteville.

Question to be submitted.

Sec. 3. At the election provided for in section one of this act the question of "Bond Issue" or "No Bond Issue" shall be sub-

Ballots.

mitted to the qualified voters in the town of Whiteville, and those in favor of bond issue shall vote a ballot upon which shall be written or printed "For Bond Issue," and those opposed to bond issue shall vote a ballot upon which shall be written or printed "Against Bond Issue."

Bond issue.

Sec. 4. If, at the election provided for in section one of this act, a majority of the qualified voters of the town of Whiteville shall vote in favor of bond issue, the Commissioners of the Town of Whiteville are hereby authorized and empowered to issue

Amount.

town bonds in an amount not exceeding twenty-five thousand dollars.

Authentication of bonds.

Sec. 5. The bonds provided for in section four of this act shall be issued under the corporate seal of the town of Whiteville, signed by the mayor of said town and attested by the secretary;

Denominations.

which said bonds shall be in denominations of not less than one

Maturity.

hundred dollars nor more than one thousand dollars, and shall run for a period of time not less than five years nor longer than twenty years, in the discretion of the Commissioners of the Town of Whiteville, and shall refer to the act of the General Assembly under which they are issued.

Interest.

Sec. 6. The bonds provided for in this act shall be interest-bearing at a rate to be determined by the Commissioners of the Town of Whiteville, not exceeding six per cent., with interest coupons attached, payable semi-annually at such times and at such place or places as may be deemed advisable by said com-

Special tax for interest.

missioners; and for the purpose of paying the interest on said

bonds the commissioners of said town are hereby authorized and empowered to levy a special tax on all the taxable property and polls, the constitutional equation being observed, situated within the corporate limits of the town of Whiteville sufficient to pay the interest on said bonds as the same may accrue. That the commissioners, in their order directing the election mentioned in section one and the advertisement for said election provided for in section one, shall specify the rate of interest to be paid on said bonds and the time when said bonds shall mature; said special tax not to exceed fifty cents on one hundred dollars' worth of property and fifty cents on the poll in any one year.

Interest rate to be specified.

Limit on tax rate.

Sec. 7. In addition to the tax levy herein provided for the commissioners of the said town of Whiteville are hereby authorized and empowered to levy a special tax on all the taxable property, and on the polls as well, situated within the corporate limits of the town of Whiteville sufficient, in their discretion, at any time after said bond issue, to provide a sinking fund for the payment of said bonds at maturity.

Tax for sinking fund.

Sec. 8. The tax levy herein provided for for the payment of the bonds and interest thereon shall be made at the same time in any year and in the same manner and by the same persons in any year the commissioners may see fit to levy the same, and shall be collected at the same time by the same tax collector and in the same manner, and the compensation of said tax collector for collecting the said tax shall be the same as for collecting other town taxes, and it shall be accounted for and kept separate from other town taxes, and shall be applied exclusively to the payment of the bonds issued under and by the provisions of this act and interest thereon.

Tax levy.

Collection of taxes.

Compensation of tax collector.

Sec. 9. The Commissioners of the Town of Whiteville are hereby authorized and empowered to sell said bonds and apply the moneys derived from the sale of said bonds to street improvements in the town of Whiteville; and if the holder or purchaser of any of said bonds or coupons issued by and under the provisions of this act shall fail to present the same for payment at the time or times and at the place or places therein named for payment, he shall not be entitled to any interest thereon for the time the said bonds have been outstanding after maturity: *Provided*, none of said bonds shall be sold for less than its par value.

Sale of bonds and disposition of proceeds.

Proviso: bonds not to be sold below par.

Sec. 10. For the purpose of carrying into effect the provisions of this act, the Commissioners of the Town of Whiteville are hereby authorized and empowered to elect a commissioner, to be styled "Commissioner of the Sinking Fund of the Town of Whiteville," who shall hold his office for five years or longer, as the board of commissioners may designate, and whose duty it shall be under the rules and regulations prescribed by said commissioners to make investment of so much of the taxes collected as

Commissioner of sinking fund.

Term of office.

Duty.

aforesaid to the payment of the principal and interest on said bonds, and to do and perform all such services in connection with said bonds as said commissioners may prescribe; and such commissioner shall give bond and receive such compensation for his services as said commissioners may determine: *Provided*, the Commissioners of the Town of Whiteville shall see fit and in their discretion deem it advisable to adopt the provisions of section ten of this act.

Bond and compensation.

Proviso: optional powers.

Sec. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 274.

AN ACT TO AMEND CHAPTER 177 OF THE PRIVATE LAWS OF 1889.

The General Assembly of North Carolina do enact:

Number of aldermen increased.

Section 1. That section three of chapter one hundred and seventy-seven of the Private Laws of one thousand eight hundred and eighty-nine be and the same is hereby amended as follows: Strike out the word "three," in the first line of said section, and insert the word "five."

Additional aldermen.

Sec. 2. That the two additional aldermen provided for in section one of this act shall be Holmes Bryson and J. J. Hooker, who shall serve till the next regular election for town officers in the town of Dillsboro and till their successors are elected and qualify.

Sec. 3. That said chapter one hundred and seventy-seven, Private Laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by adding at the end thereof, to be known as section sixteen of the charter of the town of Dillsboro, the following: "That the board of aldermen of said town of Dillsboro shall have the power to grant unto any corporation, co-partnership, person or persons whatsoever the right to build or construct any railway, electric, horse, tramway line or other transportation line, and to erect poles for electric lights or electric motive power, telephone or telegraph lines whatsoever upon the streets of the town of Dillsboro for the successful operation of the same."

Aldermen to grant franchises.

Sec. 4. That said chapter one hundred and seventy-seven, Private Laws of one thousand eight hundred and eighty- nine, be and the same is hereby amended by adding at the end thereof, to be known as section seventeen of the charter of the town of Dillsboro, the following: "That the board of aldermen of said town of Dillsboro

Power to condemn land.

shall have power, when any land or right-of-way, either without or within said corporate limits of said town of Dillsboro shall in the opinion of the board of aldermen of said town be required for the purpose or purposes of laying sewer pipes, water pipes, water ways and making manholes, extending the present streets or laying out of new streets in and for the benefit of said town, to condemn such land with rights-of-way; and when the owner of said land or rights-of-way cannot agree with the board of aldermen of said town as to the damage or benefit to such land or rights-of-way by reason of such condemnation, the owners thereof shall select three disinterested male persons, and the town board of aldermen shall select three disinterested male persons from among the citizens of said incorporated town of Dillsboro, who together shall select an additional male person, who, as a court of inquiry, shall sit, hear evidence sworn to and offered by either party, and decide as to the damages or benefits arising to said owners of such condemned land, who shall report their findings to the board of aldermen of said town of Dillsboro, which shall proceed to carry into effect such findings, and from said findings there shall be no appeal: *Provided*, that if the land-owner mentioned in this section shall fail or neglect to file with the mayor of said town, within five days after having received written notice from the mayor and board of aldermen of said town so to do, the names of three persons selected on his part to assess damages for any sewer pipe line, water pipe line or water way or extended or amended or new street, as in said section provided, then the mayor and the board of aldermen of said town may proceed to appoint the three persons from the male citizens of said town to represent the said land-owner, and these three persons, together with those named on the part of the board of aldermen of said town, shall proceed to consider any such question of damage and report as in this section required."

Procedure.

No appeal.

Proviso: if land owner fail to select arbitrators.

Sec. 5. That said chapter one hundred and seventy-seven, Private Laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by adding at the end thereof, to be known as section eighteen of the charter of the town of Dillsboro, North Carolina, the following: "That the Board of Aldermen of the Town of Dillsboro may, when in its opinion it is for the good and material interest of the said town of Dillsboro, order an election to be held for the purpose of submitting to the qualified voters of said town the question of an issue of Dillsboro municipal bonds, not to exceed in amount the sum of ten thousand dollars in any one year, bearing six per cent. interest per annum, payable semi-annually, said bonds to run for twenty years; notice of said election to be caused to be posted at three public places in the corporate limits of said town, at which the question to be voted upon shall be 'For Bonds,' and this either

Power to call election on bond issue.

Amount.

Interest.

Maturity.

Notice of election.

Ballots.

printed or written upon a single ballot, and 'Against Bonds,' either written or printed upon a single ballot; notice to be given shall be thirty days prior to election. If, at the election so ordered and held, the result of such election shall be declared in favor of an issue of bonds as above specified, then the board of aldermen of said town of Dillsboro shall cause to be printed and engraved, or gotten up in artistic appearance at the cost of said town, said bonds and sold at not less than par; the placing of said bonds upon the market, when so ordered by an election as above set forth, shall be determined by an ordinance to be passed by the board of aldermen of said town at some subsequent meeting of said board of aldermen after the said election; the denominations of said bonds shall be in fifty dollars, one, two and five hundred dollars. The money arising from the sale of said bonds, or any part thereof, shall be turned over to the treasurer of the said town of Dillsboro and paid out as other funds belonging to said town only for the internal improvements of said town."

Effect of election.

Denomination of bonds.

Disposal of proceeds.

Sec. 6. That said chapter one hundred and seventy-seven, Private Laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by adding at the end thereof, to be known as section nineteen of the charter of the town of Dillsboro, North Carolina, the following: "That the Board of Aldermen of the Town of Dillsboro and its successors in office shall have the supervision and full control of the public roads and public highways within the corporate limits of the said town of Dillsboro, and to that end it is hereby made, created and constituted a board of trustees with all the rights, powers, immunities and privileges and duties conferred upon or required of 'road trustees' by chapter ninety-seven, Public Laws of one thousand nine hundred and three, being 'An act to provide a better system of working and maintaining the public roads of Jackson County,' and has the right to lay out, alter, amend, change, grade, repair, construct and maintain any and all public roads and public highways, not exceeding thirty-six feet in width, within the corporate limits of said town (but said width shall not apply to the streets of said town). That all male citizens, resident within the corporate limits of said town and subject to road duty under the Jackson County road law aforesaid, shall perform said service upon the roads and public highways within said corporate limits of said town and subject to the authority of said board of aldermen and board of trustees and supervisor; that said board of aldermen shall have power to appoint a supervisor or supervisors for the public roads and public highways within said town in the same manner and subject to the same duties and liabilities as supervisors under said chapter ninety-seven of the Public Laws of one thousand nine hundred and three; that the treasurer of the said town of Dillsboro shall be treasurer of all road funds

Supervision and control of roads and highways.

Road duty.

Supervisor.

Treasurer of road funds.

arising from any source and due and payable on the roads within said town limits, and he shall give a separate bond for such road funds, to be approved by the board of aldermen of said town, in double all sums which may come into his hands for any one year and pay the same out under the order of the board of aldermen or board of trustees in the manner provided under the general road law of Jackson County. That all taxes levied for public roads or public highways by the Board of Commissioners of Jackson County upon polls and property within the corporate limits of said town shall be collected and kept by the tax collector for said county separate and apart from the tax on polls and property outside of said corporate limits of said town and paid to the treasurer of said town of Dillsboro, whose receipt shall be a valid voucher in the hands of said tax collector therefor; that, to the extent in this section set forth, said chapter ninety-seven of the Public Laws of one thousand nine hundred and three, as applicable to the public roads and public highways within the corporate limits of the town of Dillsboro, is amended, but in all other respects it shall remain and be the road law of said town." Bond. Road fund.

Sec. 7. That chapter one hundred and seventy-seven of the Private Laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by adding at the end thereof, to be known as section twenty of the charter of the town of Dillsboro, North Carolina, the following: "That the Mayor of the Town of Dillsboro may issue process without complaint when he is satisfied there has been a violation of law or any town ordinance, and his endorsement of the names of witnesses upon a summons or warrant shall be authority for the marshal of said town or other like officer to execute the same." Process of mayor.

Sec. 8. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 275.

AN ACT TO INCORPORATE THE WASHINGTON TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That W. C. Rodman, John C. Rodman, Theodora G. Rodman and Olzie C. Rodman, their associates, successors and assigns are hereby constituted and declared a body politic and corporate by the name and style of "The Washington Trust Com- Incorporators. Corporate name.

pany," with its principal place of business in the city of Washington, North Carolina, and by that name may sue and be sued, plead and be impleaded in any court of the State, and have a continuous succession for the term of sixty years, with all the rights, powers and privileges of corporations and banks under the laws of the State.

Corporate powers.

Capital stock.

Sec. 2. The capital stock of said corporation shall be fifty thousand dollars, to be divided into five hundred shares, of the par value of one hundred dollars each, and such stock may be increased from time to time, as said corporation may elect, to a sum not exceeding one hundred and twenty-five thousand dollars.

Books of subscription.

Sec. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they shall determine, and the stockholders, at any general meeting called after the organization of said corporation, may at their discretion from time to time re-open books of subscription to said capital stock until the same as herein limited be wholly taken.

Meeting for organization.

Notice.

Directors.

President.

When business to begin.

Payment of subscriptions.

Liability of stockholders.

Sec. 4. Whenever twenty-five thousand dollars shall be subscribed to the capital stock of said corporation, the above named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place, and on such notice as they may deem sufficient, to organize said corporation; and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be chosen, and said directors shall elect a president to serve during their continuance in office. That the said company shall not commence business until fifty per cent. of the capital stock subscribed shall have been paid in; that the remainder of said subscription shall be paid in at the call of the directors, and shall be paid in within one year from the date of organization of said corporation; that the stockholders shall be individually liable equally and ratably, and not one for another, to the depositors of said corporation, not exceeding double the amount of their subscription to the capital stock.

Further corporate powers.

General banking business.

Sec. 5. The president and directors of said corporation may adopt and use a common seal, and alter the same at pleasure; may make and appoint all necessary officers and agents and fix their compensation; shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation, and shall prescribe the rules for the conduct of said corporation consistent with the by-laws established by the stockholders; may do a general banking business and exercise all powers, rights and privileges conferred by the public laws of this State on banks and corporations, and may loan money at such rate of interest as may be agreed upon, not greater than the legal rate; may discount, buy and sell notes, drafts, and all

other securities or evidences of debt; may loan money on mortgages, on real or personal property, or both, and may negotiate loans on mortgages on real or personal property, or both.

To deal in real and personal property.

Sec. 6. The said corporation may purchase, hold, improve, sell and deal in all such real and personal property as it may desire, and such as may be conveyed to it to secure or satisfy any debt due it, and for any other purpose, and also the said corporation may hold any such property as may be sold under a foreclosure of any mortgage made to said corporation, or such as may be sold under an execution or order of any court to satisfy any debt due it, and may sell and convey or exchange the same at pleasure, and use the proceeds thereof as may be deemed best.

Deposits of minors and married women.

Sec. 7. That when any deposit shall be made by any person, being minor or *feme covert*, the said corporation shall pay to such minor or *feme covert* such sums as may be due, and the receipts or acquittances of such minor or *feme covert* shall be to all intents and purposes valid in law to fully discharge the said corporation from any and all liability therefor.

Enforcement of payment of subscriptions.

Sec. 8. If any subscriber shall fail to pay for his stock or any part thereof, as the same is required of him, the entire residue of his subscription shall be deemed to be due, and may be recovered in the name of the corporation, either by motion in any court of the county where the delinquent resides, upon giving him ten days' notice of the motion, or by ordinary civil action, or the entire stock of the delinquent may be sold by order of the directors for cash in the town of Washington, North Carolina, after advertising such sale for ten days in some newspaper published in said town, and if the proceeds of such sale shall not be sufficient to discharge the amount unpaid, with all costs of such sale, the delinquent shall be liable for all deficiency in a civil action: *Provided*, no stockholder shall be individually liable for any of the debts of said corporation.

Assignees of stock liable.

Sec. 9. If any subscriber shall assign his stock before its full payment, he and his assignee and all subsequent assignees shall be liable for its payment and may be sued jointly or severally by motion as aforesaid, or by action. In every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note, payable to the said corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Power to issue circulating notes.

Sec. 10. That said corporation may receive and pay out all lawful currency, with full power of circulating currency of its own issue, under all the rights and privileges and under such restrictions as may be imposed by the laws of this State or the laws of the United States as to currency of State banks.

Power to act in fiduciary capacities.

Sec. 11. That the said corporation be and is hereby authorized to accept and execute as fully as a natural person trusts of any and every description which may be committed or transferred

to it, with its consent, by any person or persons whomsoever, bodies corporate or public, or by any court in the State of North Carolina, or in any one of the United States, and to accept the office and appointment of executor and administrator of any kind or nature, whenever such office or appointment is conferred or made by any person or persons or by any court; and that in all cases when application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, executor, assignee, guardian of any minor or lunatic, it shall and may be lawful for such court to appoint said corporation, with its assent, such receiver, trustee, administrator, executor, assignee or guardian, and the accounts of said corporation in any such capacity shall be regularly settled before the court making such appointment, and upon such settlement and adjustment all proper, legal and customary charges, costs and expenses shall be allowed to said corporation for its care and management of the trusts and estates aforesaid, in accordance with the practice of the court so appointing in the case of natural persons so appointed; and the said corporation in any such capacity shall be subject to all lawful orders or decrees made by the said court.

Accounts as fiduciary.

Deposits for safe-keeping.

Sec. 12. That the said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables as gold, silver, jewels, plate, certificates of stock or evidences of debt, deeds or muniments of title or other valuable papers of any kind, or any other article whatsoever, which may be kept or deposited with said corporation for safe-keeping; and it shall be lawful for the courts of this State, into which money, stocks, bonds or other property may be paid by agreement of parties, order, decree or judgment of said court, to order and direct the same to be paid to or deposited with said corporation, and it shall be entitled to charge such commission or compensation therefor as may be agreed upon for the safe-keeping of said articles so deposited; said corporation may erect all such buildings and vaults, and do such other things as may be useful, lawful or necessary.

Deposits of court funds.

Commission and compensation.

Buildings and vaults.

Security for trust deposits.

Sec. 13. That when any court shall appoint the said corporation a receiver, trustee, administrator, executor, assignee or guardian, or shall order the deposit of money or other valuables of any kind with said corporation, the capital stock as paid in shall be taken and considered as the security required by law for the faithful performance of its duties: *Provided*, the said court shall not deem it necessary to require further security, and it shall be absolutely liable in case of any default whatsoever; the court, if it deem it necessary, may from time to time appoint suitable persons to investigate the affairs and management of said corporation, who shall report to such court the manner in which such investments are made and the security afforded to those by or for whom its engagements are held, or the court may, if it deem

Proviso: further security.

Investigations.

necessary, examine the officers of said corporation under oath or affirmation as to the security aforesaid.

Deposits by fiduciaries.

Sec. 14. That any executor, administrator, trustee or any public officer having the control of any bonds, stocks, security, moneys or other valuables belonging to others, shall be and is hereby authorized to deposit the same for safe-keeping with said corporation; that in all cases in which public officers, municipal or private corporations are authorized to deposit money, stocks, bonds or evidences of debt, such deposits by such officers or corporations may be made with said corporation.

Power to hold property on deposit, in trust and as security.

Sec. 15. That the said corporation shall have power to receive and hold on deposit and in trust and as security estates, real, personal and mixed, including money, notes, bonds and obligations of States, companies, corporations and individuals, and the same to purchase, collect and adjust, settle or sell and dispose of, and upon such terms as may be agreed upon between it and the parties contracting with it.

Power to act as surety.

Sec. 16. That the said corporation shall be and is hereby authorized and empowered to endorse and become surety upon any bond for appeal from any order, judgment or decree of any court of record or justice of the peace, and it is further authorized to become sole surety in all cases when by law two or more sureties are required for the faithful performance of any trust or office, and it shall be lawful for any court to approve such corporation as sole surety in all such cases, and in every such case the capital stock shall be taken and considered as sufficient surety therefor; but in all cases the affairs and effects of said corporation shall be subject to an examination if the court shall deem it necessary, and the said court may examine, under oath, the officers of said corporation in relation to the affairs, property and effects of said corporation, and it shall be lawful for said corporation to stipulate and provide for indemnity from the parties aforesaid for whom it shall become responsible, and to enforce any bond, contract, agreement, pledge or other security made or given for that purpose.

Indemnity.

Power to act as endorser.

Sec. 17. That said corporation shall have power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, rents, accounts, claims, annuities, mortgages, choses in action, evidence of debt, certificates of property or value, checks and the title to property, real or personal, indebtedness of companies, partnerships, loans of States, cities, counties and municipalities on such terms or commissions as may be agreed upon or established by said corporation and the parties dealing therewith; to act as the fiscal or transfer agent of any State, municipality, body politic or corporate or any person or persons, and in such capacity to receive and disburse money and transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.

Fiscal or transfer agent.

Storage deposits.

Sec. 18. That the said corporation may receive upon storage, deposit or otherwise merchandise, specie, plate, stocks, promissory notes, certificates and evidences of debt, contracts and all other personal properties whatsoever and may take charge and custody of real and personal estates and securities and advance money thereupon on such terms as may be established or approved by said corporation.

Power to invest deposits.

Proviso: subject to State laws.

Sec. 19. That said corporation be and is hereby authorized and shall have discretionary powers to invest at its pleasure money received on deposit, loaned or otherwise: *Provided*, that said corporation, in the investment of funds held by it as trustee, administrator, executor or guardian shall be subject to the laws of this State and the rules of court, now existing or hereafter passed, governing the investment of such funds by natural persons in such positions; that it is authorized to take, have, hold and enjoy all such estate, real, personal or mixed, as may be obtained with the moneys aforesaid, and also with any, every and all other funds that may come into its possession in course of its business dealings, and the same may sell, grant, lease, mortgage and dispose of, in its discretion and at its will and pleasure, and execute, acknowledge and deliver all deeds and legal papers and any instruments concerning the same; to deal in exchange, foreign and domestic, and in every description of properties, personal effects, securities, mortgages, lands, certificates of indebtedness, stocks of incorporated companies, notes, loans, bonds of the United States, or of any city, county or State, or of any company or individual.

Rules and regulations.

Sec. 20. That said corporation shall have power and authority to provide rules and regulations for the government of itself, its officers, directors, stockholders, agents and employees, not inconsistent herewith nor with the laws of the State: *Provided*, that at any meeting of the stockholders each share of stock shall be entitled to one vote.

Savings bank powers.

Sec. 21. That said corporation is authorized to organize a department for savings and to do a savings bank business for the convenience of small depositors, and may make such rules in regard thereto as the stockholders may think proper, in which the said corporation may receive deposits in the savings department and give books or certificates therefor, and pay such interest as its directors may authorize, not exceeding the legal rate, and also regulate the time of payment and notice of demand.

Branches.

Sec. 22. The said corporation is hereby authorized to establish one or more branches at such places as it may see fit.

Sec. 23. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 24. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 276.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CRESWELL, IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Creswell shall be and continue, as heretofore, a body politic and corporate, and by the corporate name of "The Town of Creswell" may purchase and hold for the purpose of its government, welfare and improvement all such estate, real and personal, as may be deemed necessary therefor, or as may be conveyed, devised or bequeathed to it, and the same may from time to time sell, dispose of and re-invest as shall be deemed advisable by the proper authorities of the corporation. Corporation continued. Corporate name. Corporate powers.

Sec. 2. The corporate limits of the town of Creswell shall hereafter be defined and located as follows: Beginning at the fork of the public road and Belgrade farm, running along the south side of the said road to the northeast corner of the rectory fence; then along the west side of the public road to Main Street at foot of swamp; then across Main Street south fifty-five degrees west nine hundred and thirty feet to a marked gum corner; then north thirty-five degrees west to A. L. Smithson's ditch, where it crosses the public road near Alfred Alexander's old mill; then along the said ditch and its various courses to the Colored Baptist Church line; then along said line with its various courses to the main road; then along the main road to said ditch; then across said road and along said ditch to A. L. Smithson's and Levi Spruill's line, northerly to their corner; then east along said line to said Spruill's corner; then across Smithson's woodland along a line of marked trees eastwardly to first station. Corporate limits.

Sec. 3. There shall, on the first Monday in May in each and every year, be elected by the qualified voters of the town of Creswell a mayor and four commissioners, who shall be residents within the corporate limits of said town of Creswell and qualified voters therein. Town elections.

Sec. 4. That the election above provided for shall be held under the same rules and regulations as elections are now or may hereafter be held for the members of the General Assembly, except as herein provided, and every citizen residing within the corporate limits of the town of Creswell who may be qualified to vote for members of the General Assembly shall be entitled to vote for a mayor and for four commissioners. Each elector shall vote one ballot on which shall be placed the names of the persons voted for, either written or printed, as commissioners, and of the person voted for as mayor. The one who shall receive the greatest number of votes cast at said election shall be declared Mayor of the Town of Creswell, and of the persons voted for as Law governing elections. Mayor.

Commissioners.

commissioners, the four who shall have received the greatest number of votes cast shall be declared elected Commissioners of the Town of Creswell. Immediately upon the result of the election being ascertained by the judges thereof, it shall be their duty, or the duty of any one of them thereto authorized by the others, to make proclamation at the door of the house in which the election was held and then and there declare the results of the same. It shall also be the duty of the judges within the next twenty-four hours thereafter to certify, under their hands and seals, to the Mayor of the Town of Creswell the result of the said election, which certificate shall be placed in the mayor's office, and he shall have the same recorded on the records of the minutes of the Commissioners of the Town of Creswell. Upon the receipt of said certificate the mayor shall immediately notify the persons of their election, requesting them to immediately appear before him to be qualified and enter upon the duties of their respective offices. If among the persons voted for there shall be any two or more who shall receive an equal number of votes for the same office, and either of them would be elected but for the equal vote, the question as to which of such parties is elected shall be decided by the judges of election, and in case they fail to decide, the registrar or registrars shall decide between the persons thus having an equal number of votes: *Provided*, the judges of election and other election officers shall not receive any compensation except as is provided or permitted by the State Election Law governing the election of members of the General Assembly: *Provided further*, that the mayor shall receive nothing for notifying the officers elected.

Proclamation of result.

Certificate of result.

Persons elected to be notified.

Settlement of ties.

Proviso: compensation of election officers and mayor.

Mayor to qualify.

Sec. 5. That the mayor, immediately after his election and before entering on the discharge of the duties of his office, shall take and subscribe before his predecessor in office or other person authorized and empowered by law to administer oaths, the following oath: "I, ..., do solemnly swear that I will diligently endeavor to perform faithfully and truly, according to by best skill, judgment and ability, all the duties of the office as Mayor of the Town of Creswell, while I continue therein, and will cause to be executed, as far as my power lies, all laws, ordinances and regulations made for the government of the town; and in the discharge of my duties I will do equal justice in all cases whatsoever. So help me, God." The oath shall be recorded by the clerk of the board of town commissioners and filed with the records of the board.

Form of oath.

Oath to be recorded.

Commissioners to qualify.

Sec. 6. That each commissioner, before entering upon the duties of his office, shall likewise take an oath that he will truly and impartially perform the duties of Commissioner for the Town of Creswell, according to the best of his ability, skill and judgment.

Terms of office.

Sec. 7. That the mayor and commissioners shall hold their offices respectively until the succeeding election, and until their successors are elected and qualified.

Commissioners to fill vacancy in office of mayor.

Sec. 8. That if the person elected Mayor of the Town of Creswell shall refuse to qualify, or shall die before qualifying, or if, having qualified, there is any vacancy in the office of mayor by reason of death, resignation or disability to discharge the duties of the office, or if the mayor, during his term of office, shall become a non-resident of the town, the commissioners shall choose some discreet and well qualified person to serve as mayor for the term, or for the unexpired portion of the term, as the case may be, either from their own number or from some of the qualified residents of the town; and if, in like manner and for like cause, vacancies shall occur in the board of commissioners, the remaining commissioners shall elect some suitable persons from the qualified residents and voters of the town to fill such vacancies.

Vacancies in board.

Mayor constituted court, jurisdiction and powers.

Sec. 9. That the mayor of the said town of Creswell, while acting as such, is hereby constituted an official court with all the jurisdiction and powers over criminal offenses occurring within the limits of the town of Creswell, which are now or may hereafter be given to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances and by-laws of the said town. The proceedings of said court shall be the same as are now prescribed by the charter of the said town and the amendments thereto, and are now or may be hereafter prescribed for the courts of the justices of peace, and not inconsistent with the charter of the said town or the amendments thereto. In all cases there shall be a right of appeal to the Superior Court of Washington County having jurisdiction of the case; and in all cases of appeal from the mayor's judgment, the mayor shall require bond with sufficient security to insure the defendant's appearance at the next succeeding term of the appellate court, and on failure to furnish said bond the mayor shall commit the defendant to the lock-up in the town of Creswell.

Proceedings of court.

Right of appeal,

Bond on appeal.

Street work in payment of judgments and costs.

Sec. 10. That in all cases where judgment may be entered up against any male person or persons for fine or penalties according to laws and ordinances of the town of Creswell, and the male person or persons against whom the same is adjudged refuse or are unable to pay the said judgment, it may and shall be lawful for the mayor of said town to order and require said male person or persons convicted to work on the streets or other public work of said town under the supervision of the person whose duty it is to oversee the working of the streets or other public work of said town, until at a fair rate of wages such male person or persons shall have worked out the full amount of the judgment and costs of the prosecution.

Warrants and other process.

Sec. 11. That warrants and other processes issued by the Mayor of Creswell may be issued by him to any officer that a warrant or other process of a justice of the peace may by law be.

Mayor to keep minutes of proceedings.

Sec. 12. That the mayor shall keep a faithful minute of his judicial proceedings, and all warrants and processes by him issued for violation of the ordinances and by-laws of the town of Creswell and other offenses committed in said town shall have all of the force, virtue and validity of warrants or other process issued by a justice of the peace, and shall be executed and enforced anywhere in Washington County and elsewhere in all cases where the warrant or other process of a justice of the peace would be.

Mayor to attend and preside at meetings of commissioners.

Sec. 13. That the mayor shall attend and preside over the meetings of the board of commissioners, and where there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case; and if he shall be absent, the board shall appoint one of their members *pro tempore* chairman. In the event of his extended absence of sickness, the board of commissioners may appoint one of their own members mayor *pro tempore* to exercise each and every duty of the mayor.

Vote.

Mayor pro tem.

Quorum of commissioners.

Meetings.

Special meetings.

Sec. 14. That a majority of the commissioners shall constitute a quorum and be competent to perform all the duties prescribed for the commissioners. Within five days after their election they shall convene for the transaction of business, and shall then fix stated days of meeting for their term of office, which shall be as often as once in each calendar month. Special meetings may be called by the mayor or a majority of the commissioners.

Fees of mayor.

Sec. 15. That the mayor shall receive the fees of his office, which shall be the same as those of a justice of the peace. He shall receive no salary, and the commissioners shall receive no salaries.

Ordinances, by-laws, rules and regulations.

Sec. 16. That the commissioners, when convened, shall have power to make and provide for the enforcement of such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary.

Powers of commissioners.

Sec. 17. That among the powers hereby conferred upon the board of commissioners are the following: To provide for constructing, laying out, cleaning and repairing streets and sidewalks, and to condemn land for any of said purposes; establish and regulate a market; take all proper and effectual means to prevent and extinguish fire; make regulations to cause the due observance of Sunday; suppress and remove nuisances; take all necessary measures to preserve the town from contagious or infectious diseases; appoint special policemen or other officers where necessity arises; take measures to preserve the peace of the town and to execute the laws and ordinances thereof and maintain good order; establish one or more cemeteries outside of the town,

of such dimensions as it may deem necessary, and lease or sell burial plots therein to individuals and families on such terms as may be thought best, and also to provide a common place of burial therein and have the right to take up and remove from any part of the cemetery now belonging to the town the remains of any person or persons and remove and reinter them in some other part of the cemetery, for the improvement and better arrangement of the said cemetery, or for advancing the interests of the town; to enact and pass such laws and ordinances as it deems necessary to preserve the health of the town; determine, when necessary, the boundaries of streets and alleys, and establish new streets, lanes and alleys; to provide for licensing and regulating auctions; to restrain and prohibit gambling, and provide for licensing and restraining shows, theatrical and public amusements in the town; to impose and appropriate fines, penalties or forfeitures for the breach of its by-laws and ordinances; to levy and collect taxes on the real and personal property in the town, and on all trades, callings and franchises; to carry all necessary measures into operation in the town for the benefit of the town; to regulate the business of carrying persons, baggage and freight or merchandise on the streets, and to issue licenses to persons wishing to engage in such business and lay tax on the same; to appoint, pay and prescribe the duties of all such officers and employees as may be deemed necessary, except as otherwise provided.

Clerk, treasurer, tax collector and constable.

Sec. 18. The commissioners at their first meeting after their election shall appoint a clerk and also a treasurer, who may be from their own number, and also a collector of taxes, who may be also the constable of the town, and a constable; all of which officers shall respectively hold their offices during the official term of the commissioners, or until their successors are duly appointed and qualified; subject, however, to be removed at any time for misbehavior or neglect of duty, and others appointed in their stead by the commissioners, who alone shall be the judges of such conduct or neglect of duties. Before entering upon the duties of his office each of said officers shall be sworn by the mayor or other person competent to administer oaths, at the expense of the officer sworn, to the faithful discharge of his duties, and shall execute a bond, payable to the State of North Carolina, in such sum as the commissioners shall determine, with security approved by the commissioners, which bond shall duly be probated and recorded in the office of the Register of Deeds of Washington County in the book prepared for the official bonds of the officers of said county. The original bond shall be deposited with the mayor, and a copy of the same, duly certified by the register of deeds, shall at all times be received as evidence in any court of law for the enforcement of the penalty or for any other purpose: *Provided*, the amount of the bond of the treasurer shall never be less than twice the amount of the taxes

Removal for cause.

Officers to qualify and give bond.

Proviso: amount of bonds.

received and disbursed by the treasurer for the fiscal year previous, and the bond may be required to be enlarged or strengthened at any time; and the official bond of the constable shall be in the amount of five hundred dollars, and the tax collector's bond shall be at least as much as the treasurer's bond or more, if deemed necessary.

Compensation of officers.

Sec. 19. The officers provided for in the preceding section shall receive the following compensation: Treasurer, five per centum on the total amount received and disbursed, as provided by law, and such additional compensation as the commissioners shall allow. The clerk's salary shall be fixed by the commissioners.

Duties of treasurer.

Sec. 20. It shall be the duty of the treasurer to call on all persons who may have in their hands any moneys or securities belonging to the town which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the town; to distribute the funds according to such orders as may be drawn on him in the manner hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said book and accounts to the mayor or commissioners whenever required to do so; on the expiration of his term of office, he shall deliver to his successor all the books, moneys, securities and other properties entrusted to him for safe-keeping or otherwise, and during his continuance in office he shall faithfully perform all duties imposed upon him as town treasurer.

Orders on treasurer.

Sec. 21. That all orders drawn on the treasurer shall be signed by the mayor and clerk, and shall state the purposes for which the money is applied, and the treasurer shall specify the said purpose in his accounts and also the sources from whence are derived the moneys received by him.

Duties of constable.

Sec. 22. It shall be the duty of the constable to see that the laws, ordinances and orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and authority vested by law in sheriffs or other constables; he shall execute all warrants, precepts or processes lawfully directed to him by the mayor or others; and in the execution thereof shall have the same power anywhere in Washington County as the sheriff has; he shall have the same fees on all warrants, precepts or processes executed and returned by him, which may be allowed to any constable under like circumstances, and also such other compensation as the commissioners may allow.

Powers and authority.

Fees.

Prisoners received without mittimus.

Sec. 23. That the Constable of the Town of Creswell is hereby required, without a *mittimus*, to receive into the lock-up of said town, as his prisoner, any person taken up in the night by the constable or police of the town of Creswell, and to keep such person safely until the following morning at eight o'clock, ex-

cept as herein otherwise provided, when the offender shall be brought before the mayor or some justice of the peace, resident in the town, and be lawfully dealt with; and for such service the sheriff or jailer shall be entitled to such fees as he is in other like cases. If the offender is charged with the violation of the laws of the State, the fee shall be paid by him, if guilty, and if not, by the county of Washington; if the offender is charged with the violation of the ordinances of the town, the fee shall be paid by him, if guilty, and if not, by the town.

Fees of sheriff or jailer.

Payment of fees.

Sec. 24. The board of commissioners may take such measures as it deems effectual to prevent the entrance into the town of any contagious or infectious disease; may stop, detain and examine for that purpose any steamboat or water craft, conveyance or vehicle, or any passenger coming from places believed to be infected with such disease, and if necessary turn them back. It may establish and regulate hospitals and pest-houses within the town, or within three miles thereof; may cause any person in the town suspected to be infected with such disease, and whose stay may endanger health, to be removed to a hospital or pest-house, in or out of said town, and may remove from the town or destroy any furniture or other articles which may be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease.

Quarantine powers.

Hospitals and pest-houses.

Sec. 25. That in case any person be removed to any hospital or pest-house, as provided for in the preceding section, the board of commissioners may recover before the mayor or any justice of the peace the expense of his or her removal, support, nursing and medical attendance in an action to which such person shall be party defendant, and in the event of the death of such person, in addition to the above, the burial expenses also, if the commissioners incur that expense, in an action against the personal representative of the deceased.

Expense of removing persons to hospitals and pest-houses.

Burial expenses.

Sec. 26. The board of commissioners may take such measures as it may deem best to stop, detain, examine and turn back within three miles of town limits any boats, conveyances, passengers or travelers, to more effectually prevent the entrance to the town of any contagious or infectious disease.

Further quarantine powers.

Sec. 27. If any person shall threaten or resist the officers of the said town in the performance of any duty or privilege upon them conferred, the person so offending shall pay to the town one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Penalty for threatening or resisting officers.

Sec. 28. That in order to guard against the introduction or spread of smallpox in the town, the commissioners may require all persons not sufficiently vaccinated to be forthwith vaccinated.

Compulsory vaccination.

Sec. 29. That in making arrests the constable or policeman shall be governed by the regulation provided for, and clothed

Officers making arrests.

with the powers conferred upon its officers by the State of North Carolina, and when arrests have been made, the prisoners shall be immediately carried before the mayor or some other compenent officer for trial, except in the following cases: (1) When the arrest is made between sunset on Saturday and eight o'clock on Monday morning; (2) when the arrest is made in the night; (3) when the person arrested is found in an inebriated or intoxicated condition; (4) when, for the safe-keeping of the party arrested, imprisonment is necessary. In any of which cases the prisoners may be committed with *mittimus* to the town lock-up until their trial before the mayor or other officer, which cannot be compelled, except between the hours of eight o'clock in the morning and sunset on all days of the week except Sunday, and not at all on Sunday. And in such case the keeper of the town lock-up shall receive prisoners under this act without *mittimus*.

Persons to be committed without process.

Constable to make arrests.

Sec. 30. That arrests shall be made by the constable or any policeman of the town in the following cases: (1) Whenever he shall have in his hands a warrant duly issued by the Mayor of Creswell or a justice of the peace of Washington County; (2) whenever any misdemeanor or the violation of any town ordinance shall be committed in his presence; (3) whenever a misdemeanor or violation of any ordinance has been committed, and he has a reasonable cause to believe that the suspected party may make his escape before a warrant can be obtained. Whenever any arrest is made by a town officer, it shall be lawful for him to summon any of the bystanders or witnesses as witnesses, and such summons shall be as binding as though made by a subpœna issued from any authority or officer whatever.

Power to summon bystanders.

Power of commissioners as to fire regulations.

Sec. 31. That for the purpose of protecting the town from fires, they may prevent the erection of wooden buildings where they may increase the danger by fire; they may order the removal or repairs of old structures or dangerous structures, where they increase the danger of fires, or in such manner as they may deem best; and in the event of a refusal to comply with the orders and demands of the commissioners, the owners, their agents, lessees or occupants, as the case may be, shall be subject to a fine of one hundred dollars, and be guilty of a misdemeanor. And in the event of a fire in the town, the commissioners may direct, command, permit or suffer a house or houses to be blown up or otherwise removed for the purpose of arresting the progress of the fire, without subjecting themselves or the town or any officer of the same to any action for damage for the same, upon objection being made to the board of commissioners. No building shall be built, rebuilt, repaired or altered in said town without a permit first had and obtained from the commissioners: *Provided*, no charge shall be made for a permit.

Powers in arresting conflagrations.

Building permits.

Nuisances.

Sec. 32. The commissioners may require and compel the abatement and removal of all nuisances within the town at the ex-

with the powers conferred upon its officers by the State of North owner or tenant of the property, whoever the same may be. There shall not be established any slaughter-house or place, or the exercise in town of any offensive, dangerous or unhealthy business, trade or employment.

Power to levy taxes.

Sec. 33. That the board of commissioners of the town shall have the power, not oftener than annually, to impose, levy and collect a tax for general corporation purposes, not exceeding fifty cents on one hundred dollars' assessed valuation upon all real and personal property within the corporate limits of said town, and on all taxable polls residing in said town on the first day of June each year, a tax not exceeding one dollar and fifty cents ($1.50).

Tax rate.

List of assessments.

Sec. 34. The clerk of the board of commissioners shall procure from the Register of Deeds of Washington County a duly certified list of the assessments of the value of property, real and personal, which have been returned to him for taxation, and upon which town taxes can be levied under this act, situated within the corporate limits of the town of Creswell, and such other records pertaining to matters taxable by the town as may be kept in his office. The board of commissioners shall have all the powers given to the authorities of Washington County pertaining to the revision of the tax list, except the power to alter the valuation of real estate when situated partly within and partly without the corporate limits of the town. The commissioners of said town shall have the said real estate, so situated, valued on the town tax list, so that only the part thereof situated within the corporate limits shall be subjected to town tax.

Powers to revise tax list.

Property to be listed for town tax.

Sec. 35. That the citizens of Creswell and others liable to pay taxes under this act shall, on the day prescribed by law for listing State and county taxes, render under oath to the clerk of the town, who is hereby constituted a commissioner of affidavits for that purpose, a list of such property taxable under this act and which is not liable to State and county tax, under all the rules and penalties prescribed for listing State and county taxes; and if any person shall fail to render such list within the time prescribed for listing State and county taxes, he shall pay double the tax assessed on any article for which he is liable to be taxed under this act.

Double.

Clerk to make out tax list.

Sec. 36. That the clerk shall make out said tax list, and after it is completed, and not later than the regular meeting of the commissioners in September in each year, they shall proceed to levy the tax upon such subjects of taxation as they shall determine, and shall place the tax list containing the order of the clerk to the tax collector to collect the same, which shall be substantially the same as that required and used by the clerk of the county commissioners to the sheriff of the county to collect the taxes due the county, which said order and tax list, when delivered to the tax collector, shall have all the force and virtue of

Commissioners to levy tax.

List delivered to tax collector.

a judgment and execution against the property named therein, without the right of homestead or personal property exemptions, as in the case of taxes due the State and county. The said constable or tax collector shall proceed with the collection of the said tax list and complete the same by the first of December following: *Provided*, that the commissioners may extend the time for completion of such collection to a date not later than June first next ensuing; and the tax collector shall pay over all moneys as collected at least as often as once a week to the treasurer and take his receipt therefor, and the tax collector shall receive for his fees for the collection of taxes the same compensation allowed by law to county tax collectors. On the first day of December, or the time fixed by the commissioners, not later than June first, there shall be one per centum added to all taxes due, and on the first day of each month thereafter one per centum additional until the tax is paid. And the Tax Collector of the Town of Creswell shall be the constable thereof unless the commissioners shall elect another person, which they are authorized to do.

Collection of taxes.

Proviso: commissioners may extend time.

Tax collector to settle weekly.

Fees of tax collector.

Penalty for failure to pay taxes.

Sec. 37. That all persons who are liable to a poll tax to said town and shall willfully fail to make return thereof, and all persons owning property subject to tax and who willfully fail to list the same as provided herein, shall be deemed guilty of a misdemeanor to the same extend as for failure to list State and county taxes, and on conviction thereof before the mayor of the town shall be fined not more than twenty dollars or imprisoned not more than ten days, and it shall be the duty of the tax collector to prosecute offenders against this section: *Provided*, any person prosecuted under this section may be discharged by the mayor upon the payment of double the amount of tax found to be due by him to the town, together with the cost of the prosecution.

Failure to list property of poll a misdemeanor.

Punishment.

Proviso: prosecution discharge on payment of double tax.

Sec. 38. That if any person liable to pay any tax shall fail to pay the same within the time prescribed for collection, the collector shall proceed to collect the same forthwith by distress and sale, after advertisement for a space of ten days at the mayor's office in said town, if the property be personal. That when the tax on any lot or other real estate or interest in the same shall remain unpaid on the first day of December, or the time prescribed by the commissioners for completing the collection of taxes, the tax collector shall proceed to collect the same by distress and sale of personal property belonging to the owner of said lot, real estate or interest in real estate, if enough of such personal property can be found. The tax collector shall report the facts to the commissioners together with a particular description of said lot, real estate or interest therein, and thereupon they shall direct the same to be sold at the mayor's office door in the town of Creswell by the collector. The collector shall, before selling the same, make a full advertisement of said real

Collection of taxes by distress.

Advertisement of real estate.

estate at the mayor's office and three other public places in said town for twenty days, and shall also serve upon the owners or their agents a printed notice of the taxes due and of the day of sale; or, if the owner or his agents be, one or both, non-residents of the town, he shall mail the above notices to them, or either of them, if their place of residence is known. In default of the payment of the taxes by the hour and day of sale designated in the notice, the tax collector shall sell at the mayor's office, in the town of Creswell, the lot, real estate or interest in real estate to the highest bidder for cash, and if no person bid enough to pay the taxes, penalties and expenses for the said property offered, the tax collector shall bid on behalf of the town the amount of said taxes, penalties and expenses, and no higher bid being offered, the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to the town absolutely. The collector shall return to the commissioners a statement of his proceedings, specifying the purchaser and the price, which shall be entered upon the book of the proceedings of the commissioners, and if there shall be a surplus after paying said taxes, penalties and expenses, the same shall be paid into the town treasury, subject to the demand of the owner.

Sale of real estate for taxes.

Return of proceedings.

Sec. 39. That the owner of any lot, real estate or interest in real estate sold under the provisions of this act, his heirs, executors and administrators or any person acting for them, may redeem the same within one year from the date of sale by paying to the purchaser the amount by him paid and twenty-five per centum in addition thereto.

Power to redeem land.

Sec. 40. That if the lot, real estate or interest in real estate sold as aforesaid shall not be redeemed within the time specified, the collector or his successor, under the direction of the mayor of the town, shall convey the same to the purchaser or to his assigns in fee. In the event the town is the purchaser, the collector or his successor shall convey to the corporation of Creswell, and the receipt in such conveyance, or in any other conveyance made by any tax collector of said town, shall be *prima facie* evidence of the truth of the same and cannot be attacked except on the ground that the taxes were not due and unpaid at the date of sale.

Conveyance of unredeemed property.

Sec. 41. That, in addition to the tax on real and personal property hereinbefore provided for, the commissioners shall have power to levy and collect a specified or license tax on the following subjects, trades, callings, professions or occupations, to-wit: Merchants, peddlers, oculists, vendors of any articles whatever, hotels, restaurants, circuses, shows, plays, theatricals or exhibitions of any kind in the town or within one mile of the corporate limits of the same, concerts, strolling musicians, auctioneers, conveyances, lawyers, doctors, photographers (resident

License taxes.

or itinerant), brokers, soliciting agents, telegraph and telephone companies, sawmills, agents of all kinds, including sewing machine, lightning rod and insurance agents; dentists, dealers in fresh meats, fish, etc., fertilizer agents, ice cream and other saloons, draymen, livery stables and those keeping horses for hire, dealers in millinery goods, coach makers, and repair shops.

Amount of license taxes.

Sec. 42. The commissioners may pass ordinances, rules and regulations regulating the amount of taxes to be paid upon any of the foregoing subjects of taxation and the manner of paying the same. Any person exercising any of the professions, trades, callings or occupations named in the preceding section, without first having obtained license therefor, shall be guilty of a misdemeanor, and upon conviction before the mayor shall be fined five dollars for each day he shall exercise such trade, calling and occupation and the cost of the prosecution.

Doing business without license misdemeanor.

Punishment.

Dog tax.

Sec. 43. The commissioners may place a tax on dogs and enforce the collection of same with sufficient penalty for non-payment of same, and may, if the tax be not paid, have the dogs killed.

Duties of clerk.

Sec. 44. The clerk of the board of commissioners herein provided for shall attend at all meetings of the board, and be the clerk thereof; he shall keep a correct minute of the proceedings of the board and perform any and all other duties herein devolved upon him.

When act to take effect.

Former charter extended.

Sec. 45. That this act shall be in force from and after its ratification: *Provided*, that all laws heretofore constituting the charter of the town of Creswell and affecting the government thereof are continued in full force, unless in direct conflict with the provisions of this act.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1907.

CHAPTER 277.

AN ACT TO PROVIDE FOR THE PAYMENT OF CERTAIN SCHOOL CLAIMS IN ASHE AND ALLEGHANY COUNTIES.

Preamble.

Whereas, S. A. Choate, Treasurer of Alleghany County, claims to have paid a certain school voucher for a public school district on the county line between the counties of Ashe and Alleghany, for which he has not been repaid or received any credit; and

Preamble.

whereas, Edward J. Johnson, a public school teacher, claims to have rendered certain service as a teacher in District Number One, Prather's Creek Township, from the fifth day of September, one thousand nine hundred and four to the twenty-third day of

December, one thousand nine hundred and four, to the amount of eighty-eight dollars and thirty-eight cents, it being a county line district in the counties aforesaid, for which service the said Edward J. Johnson has not been paid: therefore,

The General Assembly of North Carolina do enact:

Section 1. That the superintendents of the public schools of the counties of Ashe and Alleghany shall meet together and ascertain and determine what sum or sums of money are due to said S. A. Choate and Edward J. Johnson for payments made as aforesaid, or for services by the said Johnson, and shall make the report or reports to the boards of education of the respective counties aforesaid, which boards of education shall provide for the payment of such sum or sums as may be due the said Choate and Johnson out of public school funds of the counties aforesaid or the district or districts for which money has been advanced or services rendered by said parties according to the finding of said superintendents. In other words, the said boards of education shall carry out the findings and recommendations of the county superintendents of said counties respecting the claims of the said Choate and Johnson.

Amounts to be ascertained and reported.

Payment provided for.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 278.

AN ACT TO INCORPORATE THE VILLAGE OF ROYALL COTTON MILLS.

The General Assembly of North Carolina do enact:

Section 1. That the village of Royall Cotton Mills, in the county of Wake, is hereby declared a body politic and corporate under the name of the Town of Royall Cotton Mills.

Village incorporated.

Corporate name.

Sec. 2. The boundaries of said town shall be as follows: Beginning where the northern boundary line of the town of Wake Forest crosses the Seaboard Air Line Railroad, running thence westward along the line of said town of Wake Forest to Main Street; thence northward along the extension of said Main Street and the line of A. J. Davis to the line of W. S. Holding; thence eastward along said Holding's line to the Seaboard Air Line Railroad; thence southward along said railroad to the beginning.

Boundaries.

Sec. 3. The directors of the Royall Cotton Mills and their successors in office shall be the commissioners of said town, and shall, as such commissioners, have power to pass, enact and or-

Commissioners.

Powers of commissioners.

dain such rules, regulations, laws and ordinances as may be necessary to maintain the public peace and good order in said town, and to preserve the public health thereof. Violation of any ordinance passed in accordance with this section shall be deemed a misdemeanor and punishable by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days.

Misdemeanor.

Punishment.

Election of mayor.

Powers.

Term.

Vacancies.

Sec. 4. The commissioners shall have power to elect any qualified voter of Wake county as mayor of said town, who, when duly elected and qualified, shall have all the powers now given to mayors of towns by chapter seventy-three of the Revisal of one thousand nine hundred and five, and shall be governed by the same rules of procedure and be entitled to the same fees as such mayors are now. He shall hold office for the term of one year. All vacancies in said office by expiration of term, death, resignation or otherwise shall be filled by said commissioners.

Constable.

Term.

Powers.

Vacancies.

Fees.

Sec. 5. The commissioners of said town shall have power to elect one or more town constables, who shall hold office for one year, and shall have all the powers given to town constables by chapter seventy-three of the Revisal of one thousand nine hundred and five. Any vacancy occurring in said office shall be filled by the commissioners of said town. Said constables shall receive the same fees allowed by the general statutes to town constables and such compensation as the commissioners may provide.

Sec. 6. All laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 279.

AN ACT TO INCORPORATE THE TOWN OF CHERRY, IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

General law applicable.

Section 1. That the town of Cherry, in Washington County, be and the same is hereby incorporated by the name and style of the Town of Cherry, and shall be subject to all the provisions contained in chapter seventy-three (73), volume one, of the Revisal of one thousand nine hundred and five of North Carolina.

Corporate limits.

Sec. 2. The corporate limits of the said town shall be as follows: Beginning at a post sixty-five yards southerly from the sign-post at the foot of the river swamp, thence running north seventy degrees west to A. G. Walker's canal; thence southerly up said canal four hundred yards; thence south three hundred

yards; thence southeast to the creek swamp; thence northerly binding the creek and river swamp to first station.

Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners, regular and special policemen, clerk and treasurer and such other officers as the town commissioners may elect; and the following named persons shall fill the offices of mayor and commissioners from their qualification until the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified: For mayor, W. C. Spruill; for commissioners, J. M. Ambrose, W. T. Phelps and S. D. Burgess. Town officers. Mayor and commissioners named.

Sec. 4. That the clerk, treasurer and regular policemen shall be appointed by the town commissioners, and the special policemen shall be appointed by the mayor. Clerk, treasurer and policemen.

Sec. 5. An election shall be held in said town on the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, for a mayor and three commissioners, under the laws of North Carolina regulating elections in towns and cities. Town elections.

Sec. 6. That the mayor and commissioners shall form a council and make, publish and enforce ordinances for the government of said town, not inconsistent with the Constitution of the United States, the Constitution of North Carolina and the laws of said sovereignties. Town council—powers.

Sec. 7. That the officers provided for by this act shall qualify within ten days after its ratification, before a justice of the peace or Clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner. Officers to qualify.

Sec. 8. The manufacture and sale of spirituous, vinous and malt liquors are hereby expressly prohibited in said town. Prohibition.

Sec. 9. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 280.

AN ACT TO AMEND CHAPTER 365 OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter three hundred and sixty-five of the Public Laws of one thousand nine hundred and one be stricken out and insert in lieu thereof the following: "That the corporate limits of said town be as follows: Beginning at the northeast corner of S. W. Cacherhous' land instead of northwest corner, on the bank of the Yadkin River, and runs Corporate limits.

with his line to Greenwood's old gate; then, so as to include Frank Day, to the southeast corner of York Hickerson's land, with M. W. Evans' line to W. C. Shore's, with his line, including his house, instead of down the branch and creek, to the ford on the Boonville road; from W. C. Shore's house north to the original plat of the town of Jonesville; then last on said plat to the southeast corner; then on the same north to Bob Mortin's corner; then a straight line to J. J. Speer's house so as to include his house; then north, including Will. Shugart's and Chatham Manufacturing Company's lands, to the river, and up the same to the beginning."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 281.

AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO ISSUE BONDS FOR STREET IMPROVEMENTS.

Preamble.

Whereas, the Board of Aldermen of the City of Washington, North Carolina, desires to be empowered by law to submit to the voters of said city the question of issuing bonds for the purpose of improving the streets: now therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Aldermen of the City of Washington be and it is hereby authorized and directed to issue coupon bonds in an amount not to exceed twenty-five thousand dollars ($25,000), and in denominations of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), bearing interest from date of the bonds at a rate not to exceed five per cent. per annum and payable semi-annually, at such place as the board of aldermen may direct, on the first days of January and June of each year until said bonds are paid. That the principal of said bonds shall be made payable at a time and place to be fixed by said board of aldermen and to be named therein, not to be less than twenty years nor more than fifty years from the date thereof: *Provided*, said board may divide said bonds into classes as it may deem best and have them mature at different dates between the limits aforesaid. That said bonds and their coupons shall be numbered, and the bonds shall be signed by the Mayor of the City of Washington and countersigned by the clerk of the board of aldermen, and have the corporate seal affixed thereto, and the coupons attached thereto

Amount.

Denominations.

Interest.

Maturity.

Proviso: bonds may be classified.

Authentication.

shall be signed by the mayor of said city. That a record of said bonds shall be kept, showing the numbers and denominations thereof and to whom sold, the date of issuing thereof and when the same will mature, and the rate of interest thereon, the amount received from the sale thereof and such other data in relation to the same as the board of aldermen may direct to be kept. That said bonds, when issued, and the interest accumulating thereon shall be fully binding upon said city and its property and shall show upon their face the purpose for which they were issued. Record of bonds.

Sec. 2. That said bonds and coupons herein provided for shall not be subject to taxation by the city until after maturity and tender made, and if the holder fails to present said bonds and coupons for payment at maturity, they shall not draw interest after maturity. That said bonds shall be sold under the direction of the board of aldermen, and shall not be sold for less than par. That the proceeds arising from the sale of said bonds, less the necessary expense of issuing bonds and holding election, shall be paid into the treasury of the city to be applied in improving the streets of said city. Exemption from taxation. Not to be sold below par. Disposal of proceeds.

Sec. 3. That said bonds shall not be issued nor the taxes herein authorized levied until authorized by the majority of the qualified voters of the city of Washington at a public election to be held in said city. That said board of aldermen shall order said election upon the written petition of as many as two hundred citizens who are qualified voters in municipal elections in said city. Said board of aldermen shall, upon said petition being filed with it, order said election at such time as it shall deem best within four months from the date of the filing of the petition with it. Said board of aldermen may, if it deems it advisable, order a new registration for said election, and if it does order a new registration, notice of such new registration shall be given for twenty days before the books are open for registration by publishing a notice thereof in some newspaper in the said city, and the registration books shall be opened thirty days before the date of election and shall stay open for a period of twenty days. Said election shall be advertised by the said board of aldermen for thirty days prior to the date of election in one or more newspapers published in said city, and said advertisement shall specify the amount of bonds for which the electors shall vote; and said election shall be held in accordance with the provisions of the charter of said city for holding elections for mayor and board of aldermen as far as the same may be applicable thereto, and all the provisions of the charter of said city relating to election and qualifications of voters shall apply unless manifestly repugnant to the clear meaning of this act; and the returns of the result of said election shall be made and certified by said election officers to the board of aldermen of said city, and the result thereof shall be canvassed by the said board of Bonds not issued until authorized by voters. Election ordered on petition. New registration. Notice. Registration. Notice of election. Law governing election. Returns and certificates. Canvass of returns.

Ballots.

aldermen and the result duly declared. That at said election those who are in favor of issuing said bonds and levying taxes herein provided for shall vote ballots with the words "For Street Improvements," and those opposed to issuing said bonds shall vote ballots with the words "Against Street Improvements" written or printed thereon. That if at said election a majority of the qualified voters shall cast their ballots "For Street Improvements," then said board of aldermen shall proceed at once to issue said bonds in the amount called for in the notice of election.

Effect of election.

Tax for interest and sinking fund.

Sec. 4. That in order to pay the interest on said bonds, and to create a sinking fund to pay the principal of said bonds at maturity, the board of aldermen of said city of Washington shall levy and collect such a special tax upon all subjects for taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city as may be necessary for that purpose, observing the equation of taxation between property and polls fixed by law; and the money paid into the city treasury, received from the taxes levied under this act, shall be appropriated for the purpose of paying said bonds and interest coupons and for no other purpose whatsoever: *Provided*, that all moneys remaining in the treasury belonging to said fund, after all the aforesaid bonds and coupons shall have been redeemed by it may then by order of the board of aldermen be transferred to the general fund of the city of Washington. The taxes herein provided for shall be collected in like manner as other taxes in the said city.

Specific appropriation.

Proviso: surplus to general fund.

Collection of taxes.

Trustee of sinking fund.

Sec. 5. The board of aldermen of said city of Washington may, at any time it deems it advisable, appoint some individual or banking or trust company as trustee, whose duty it shall be to receive from the Tax Collector of the City of Washington all taxes collected under this act for the purpose of paying the interest on said bonds and for creating a sinking fund for paying the principal of said bonds at maturity. Said board of aldermen shall fix the compensation of said trustee and the amount of his bond. It shall be the duty of said trustee to pay the interest on said bonds as the coupons become due, and to invest the surplus money coming into his hands in such manner as shall meet with the approval of said board of aldermen: *Provided*, that the trust company or bank selected by the board of aldermen shall be one in which no member of said board or any city official has any interest.

Compensation and bond.

Proviso: trust company or bank.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 282.

AN ACT TO CHARTER KINSTON COLLEGE, KINSTON, LENOIR COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Trustees incorporated.

Section 1. That J. H. Isler, E. L. F. Becton, T. O. Davis, W. H. Hodges, Starr Hicks, B. J. McLean, M. L. McCoy, T. Draughorn, W. T. Barney, Joseph Anderson, H. C. Conner, Jordan Noble and C. M. A. Dawson, who have been appointed on the part of the General Conference, be and are hereby created a body politic and corporate under the name and style, "The Trustees of Kinston College," and with power to sue and be sued, plead and be impleaded, contract and be contracted with, hold such real and personal property, in amount not to exceed one hundred and twenty-five thousand dollars, by purchase, donation or otherwise as may be by them deemed necessary for the successful establishment and maintenance of a male and female college at Kinston, in Lenoir County, in this State, and make all rules, regulations, by-laws and agreements needful for the government of their body and the said college, and for carrying into effect the aforesaid purpose of this incorporation, and do all other acts pertaining to similar corporations, and not inconsistent with the laws of this State and the United States.

Corporate name. Corporate powers.

Terms of office.

Sec. 2. That the term of office of the trustees shall be three, six and nine years from date of election, subject to a removal by a majority of the others for neglect of duty. A vacancy in said board, caused by death or resignation, may be filled by a majority of the trustees at any regular meeting.

President and directors.

Sec. 3. The said trustees shall have the exclusive right to elect a president of said college and such professors and officers as they may deem proper.

Faculty.

Sec. 4. That the president and professors of said institution shall be the faculty thereof, and, with the advice and consent of the trustees, shall have power to grant diplomas, conferring such degrees and marks of literary distinction as are usually conferred in colleges.

Diplomas.

Trustees not personally liable.

Sec. 5. That the individual property of the aforesaid trustees shall not be liable for the debts of said corporation.

Sec. 6. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 283.

AN ACT TO AMEND CHAPTER 241, PRIVATE LAWS OF 1899, AS AMENDED BY CHAPTER 286 OF THE PRIVATE LAWS OF 1901, WITH REFERENCE TO THE ROUTE OF THE WILKESBORO AND JEFFERSON TURNPIKE.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and forty-one of the Private Laws of one thousand eight hundred and ninety-nine, as amended by section one of chapter two hundred and eighty-six of the Private Laws of one thousand nine hundred and one, be and the same is hereby amended as follows: By striking out the word "Jefferson," in line four of section two, and inserting in lieu thereof the words "a point on the Tennessee line, in either Ambrose Gap or Baldwin Gap: *Provided*, said route shall be by the way of Jefferson and Creston, in the county of Ashe"; and by striking out the word "Jefferson," in line four of section nine, and inserting in lieu thereof the words "Tennessee line."

Route changed.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 284.

AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF THE GRAHAM COUNTY RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That the Graham County Railroad Company, incorporated under and by chapter one hundred and eighty-four (184) of the Private Laws of one thousand nine hundred and five (1905), be and said corporation is hereby allowed two years from the ratification of this act within which to organize.

Time extended.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 285.

AN ACT FOR THE RELIEF OF MISS CLAUDIA WILEY, A PUBLIC SCHOOL TEACHER OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Anson County be and he is hereby authorized and empowered to pay Miss Claudia Wiley, a public school teacher of Anson County, or to her order the sum of twenty-eight dollars and fifteen cents ($28.15) out of the school funds now in his hands or that may hereafter come into his hands to the credit of District Number One for the white race of Lilesville Township, said sum being due said Miss Claudia Wiley as a balance for teaching a public school in Anson County in the year one thousand nine hundred and five. Balance to be paid.

Sec. 2. The money shall not be paid unless the Board of Education of Anson County shall in its discretion order that it be paid.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 286.

AN ACT TO ALLOW CAUSEY PUGH TO PEDDLE MEDICINES IN RANDOLPH AND ALAMANCE COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That Causey Pugh, who is by reason of the loss of one of his legs totally incapacitated to perform manual labor, shall be allowed to peddle medicines in the counties of Randolph and Alamance for two years, without paying any license therefor, from the date of the ratification of this act. To peddle without license. Time.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 287.

AN ACT TO REPEAL CHAPTER 165 OF THE PUBLIC LAWS OF 1901, ESTABLISHING THE EPSOM HIGH SCHOOL DISTRICT, IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Law repealed.

Section 1. That chapter one hundred and sixty-five of the Public Laws of one thousand nine hundred and one of the General Assembly of North Carolina, being an act entitled "An act to establish Epsom High School District, Vance County, North Carolina," be and the same is hereby repealed.

When act effective.

Sec. 2. This act shall be in force from and after the first day of June, one thousand nine hundred and seven.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 288.

AN ACT TO AMEND SECTION 21, CHAPTER 382, OF PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

Section 1. That section twenty-one of chapter three hundred and eighty-two of the Public Laws of one thousand nine hundred and three be amended to read as follows:

Election of superintendent.

"Sec. 21. That the board of trustees created under the provisions of this act shall elect annually on the first Tuesday of June, or such other day as it may deem best of each year, a

Examination and certificates of teachers.

superintendent of the schools established under this act, and said superintendent shall examine all applicants for teachers' positions in said schools, issue certificates to such as are competent, and no person shall teach in said schools who does not have a certificate from the superintendent of said schools: *Provided*, that this act shall exempt no teacher from examinations by the county

Trustees to elect secretary.

superintendent of said county. The said board of trustees shall elect as secretary, who may be the superintendent, a member of the board or such other persons as it may elect."

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 289.

AN ACT TO AMEND CHAPTER 290 OF THE PRIVATE LAWS OF 1905, BEING AN ACT TO AMEND THE CHARTER OF THE WINSTON, HIGH POINT AND WADESBORO INTERURBAN ELECTRIC RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and ninety of the Private Laws of the General Assembly of one thousand nine hundred and five, being "An act to incorporate the Winston, High Point and Wedesboro Interurban Electric Railroad Company," be amended as follows: Commencing at the letter "L" and after the word "Huntley," in line one of section one of said act, strike out all of said section down to the word "and" after the word "company," in line seven of said section, and substitute in lieu thereof "O. H. P. Cornell, their associates, successors and assigns be and they are hereby created a body politic and corporate by and under the name of the Piedmont Railway, Land and Power Company." Incorporators added—name changed.

Sec. 2. Strike out all of section five (5) of said act, and the following shall be substituted in lieu thereof: "That said company is hereby given power and authority to make, construct, equip, operate and maintain a line or lines of railway with one or more tracks, and with such cars, trolley wires, cable posts, side tracks, switches, appliances, crossings, bridges, turnouts and branches as may be necessary, commencing at a point in Stanly County, North Carolina, at or near the Winston-Salem South Bound Railway and the Yadkin branch of the Southern Railway, making connection with either or both of said railways, and running thence by the most feasible and practical route, as may be determined upon by said corporation, to a point on the Seaboard Air Line Railway in either of the counties of Richmond, Anson, Union or Mecklenburg, and also branch lines to its main line, or lines in extension or continuation thereof, to such other points as said company may select lying and being within fifty miles of any part of the main line of said railway. Said company shall have authority to cross any track of any street railway or other railway company now incorporated or hereafter to be incorporated: *Provided*, it conforms to the grade of the track to be crossed; to erect and equip such stations, warehouses, offices, power plants, shops and other buildings as the board of directors may deem necessary; to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power in the form of electric current, hydraulic, pneumatic and steam pressure, and any and all other forms of power now or hereafter in use for driving machinery, propelling cars or carriages; to charge and collect such

Power to build, operate and maintain railroad.

Beginning.

Route.

Termini.

Branch lines.

Tracks of street railway and other railroads.

Stations and other buildings.

Power.

sums of moneys for the carriage of passengers and transportation of property as the board of directors may reasonably fix as the fare or rate of transportation between points. The municipal authorities of all cities, towns and villages are hereby vested with authority and power to grant to the Piedmont Railway, Land and Power Company the right, privilege, license and franchise to lay its tracks, erect its poles, maintain its lines along, under and upon the streets, avenues and highways of said cities, towns and villages for a period of ninety-nine years."

Municipalities to grant franchises.

Registration of mortgage.

Sec. 3. Strike out the word "Anson," in lines six (6) and seven (7) of section seventeen (17) of said act, and substitute in lieu thereof the word "Stanly."

Power to construct road in sections.

Sec. 4. Strike out all of section twenty-five (25) of said act and substitute in lieu thereof "said company shall have authority to construct its road in sections, and may commence the construction thereof at any point that may be determined upon by the board of directors."

Time for organization.

Sec. 5. Strike out all of section thirty (30) of said act and substitute in lieu thereof "The Piedmont Land and Power Company may organize at any time within two years from the ratification of this act."

Sec. 6. That this act shall be in force from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 290.

AN ACT TO AMEND CHAPTER 257, PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

Corporate name.

Section 1. That section one, chapter two hundred and fifty-seven of the Private Laws of one thousand nine hundred and five, is hereby repealed, and the name of the corporation therein referred to shall be Carolina Valley Railway Company.

Effect of election.

Sec. 2. That section fifteen of said chapter is hereby repealed, and the following shall be substituted in lieu thereof: "If a majority of the qualified voters vote for subscription or donation, as the case may be, then the proper authorities of said county, or the proper authorities of said city or town, shall immediately make such subscriptions and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denominations of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000), and shall run for such period of years

Denomination of bonds.

Maturity and interest.

and bear such rate of interest as the petition and order of said election shall indicate. They shall be executed in the form required by law, and the board of commissioners of such county or the proper authorities of such city or town shall have the election either to sell these bonds and pay for its subscription to the capital stock of the said company in cash, or to deliver said bonds for like amounts of capital stock in full payment therefor."

Sec. 3. That section twenty-two of said chapter is hereby repealed and the following substituted in lieu thereof: "It shall be lawful for the said company chartered by this act to issue from time to time coupon bonds in such denominations and running for such a time and bearing interest at such a rate and payable at such a time and place as the board of directors may direct, to be sold or hypothecated by the directors of said company. And to secure the payment of same the company is authorized to execute a mortgage or mortgages to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges, or in case the road be divided and built in sections, which the said company is authorized to do, such mortgage or mortgages may be placed upon such separate sections and in such manner as the company may direct."

Company to issue bonds.

Power to mortgage.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 291.

AN ACT TO INCORPORATE BARKER'S HIGH SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That W. H. Humphrey, D. C. Regan, J. H. Powers, H. P. Powers, Duncan M. White, J. G. McCormick, A. A. Bethune, D. T. Rozier, N. A. Kinlaw and their successors in office, who may be elected from time to time, are hereby created a body politic and corporate by the name and style of "Barker's High School," and by that name they shall have perpetual succession and a common seal; may sue and be sued; may purchase, take, receive and hold any real or personal property whatsoever; may sell, transfer, lease, mortgage and convey any such property, and do all other acts pertaining to similar corporations, not inconsistent with the laws of the State or of the United States. The persons herein mentioned shall be and remain the trustees of the said corporation until their successors are elected, as hereinafter provided.

Corporators.

Corporate name.

Corporate powers.

Corporation's trustees.

Change of name authorized.

Sec. 2. The name of this corporation may be changed by the board of trustees by resolution adopted with the concurrence of two-thirds of its entire number at a meeting, of which due notice shall be given specifying its time, place and object; a certified copy of such resolution shall be filed with the Secretary of State.

Powers of trustees.

Sec. 3. That the board of trustees shall have the general supervision and control of the said corporation. It shall have power to make such rules, regulations and by-laws, not inconsistent with the Constitution and laws of the United States or of this State, as may be necessary for the good government of the said school and the management of the property and funds of the same. It may provide for and elect a chairman and such other officers of its own body, also a president, professors, teachers and such other officers for the management of the school as it may deem necessary and proper; may prescribe the tenure, duties and compensation of such officers and teachers, whether of its own board or of the school. It may, after reasonable notice and for cause stated remove any or all of such officers as it may deem proper. It may constitute and appoint from its own body an executive committee of such number as it may determine, to which it may delegate for the ensuing year such special or general powers within its own jurisdiction as it may deem proper. It may fix and change the time and place of meeting, adjourn from day to day or to a day certain, in its discretion. A majority of the board shall constitute a quorum.

Executive committee.

Quorum.

Trustees directors.

Sec. 4. That the said trustees shall for all legal purposes be regarded as a board of directors.

Term of office.

Sec. 5. That the term of office of the said trustees shall be for ten years.

Election of trustees.

Sec. 6. That the trustees shall be elected by all of those who have financially contributed to the support of the said school, who shall be allowed to vote in proportion to the amount of the said contribution: *Provided*, that in the case of death, disqualification or removal from office on the part of any member, such vacancy shall be filled by the other trustees.

Proviso: vacancies.

Exemption from taxation.

Sec. 7. That the lands and property belonging to the said trustees for the benefit of the said school shall be and the same are hereby exempted from all kinds of public taxation.

Trustees not individually liable.

Sec. 8. That the said trustees shall not be individually or personally liable for the debts of the said school.

Capital stock.

Sec. 9. That the said trustees may, if they deem it to the best interest of the institution, issue, offer for sale and sell shares of the capital stock of the corporation, which may, if so desired, be divided into dividend bearing and non-dividend bearing shares: *Provided*, that each share shall be of the par value of ten dollars; *Provided further*, that fractions of shares may be issued for non-dividend paying certificates.

Proviso: Division.

Sec. 10. That the members of this corporation, together with such stockholders as may be admitted from time to time by the sale of the shares of stock, shall control the affairs of the corporation, elect such officers as they may see fit, and transact such business as may be necessary for the institution. Control of corporation.

Sec. 11. That the trustees and the principal of said school, elected by the trustees, shall have the right to exercise police powers on the grounds and property of the institution, and on commencement occasions, public speakings and other exercises of the school, the president of the board of trustees and the principal of the school, either or both, may swear in special policemen who shall serve as such and shall have, for the time being, all such rights and powers as are conferred upon constables under the Revisal of one thousand nine hundred and five of North Carolina. Police powers. Special policemen.

Sec. 12. That the said institution shall have the right to exercise any and all such rights and privileges as may be necessary for the successful conduct and maintenance of the said school, not inconsistent with the laws of North Carolina. Further rights and privileges.

Sec. 13. That this corporation shall have duration for fifty years from and after the passage of this act. Duration.

Sec. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March A. D. 1907.

CHAPTER 292.

AN ACT TO AMEND THE CHARTER OF THE CITY OF RANDLEMAN.

The General Assembly of North Carolina do enact:

Section 1. That section five of chapter two hundred and nine of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by adding thereto the following: "*Provided*, that the board of aldermen shall have the power and authority to determine and fix the number and location of the polling places or place at all municipal elections, regardless of wards or ward boundaries; but notice of any change in polling places or place shall be given for ten days by advertisement posted at four public places in the city of Randleman." Polling places at municipal elections. Notice.

Sec. 2. That all laws and clauses of laws in conflict with this act or any of its provisions are hereby repealed.

Sec. 3. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 293.

AN ACT FOR THE RELIEF OF MRS. NANNIE McPHAIL YARBOROUGH, A PUBLIC SCHOOL TEACHER OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Balance to be paid.

Section 1. That the Treasurer of Chatham County be and is hereby authorized and directed to pay Mrs. Nannie McPhail Yarborough or to her order the sum of eleven and twelve one-hundreths dollars ($11.12) out of the general school funds now in his hands or that may hereafter come into his hands, said sum being due said Mrs. Nannie McPhail Yarborough as a balance for teaching a public school in Chatham County in the year one thousand nine hundred and four.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 294.

AN ACT TO AMEND CHAPTER 182, PRIVATE LAWS OF 1905, INCORPORATING ANDREWS SCHOOL DISTRICT NUMBER FOUR, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Corporate name.

Section 1. That the name of the corporation created by said chapter one hundred and eighty-two, Private Laws of one thousand nine hundred and five, is hereby changed from "Andrews School District Number Four" to "Andrews School District": *Provided*, that nothing in this act shall in any way affect or invalidate the bonds heretofore issued by Andrews School District Number Four.

Proviso: bonds not affected.

Power to condemn land.

Sec. 2. That section twenty-three of said chapter be amended by inserting after the word "grounds," in the second line, the words "springs or streams of water for drinking or sanitary purposes or protection from fire, together with the necessary grounds surrounding said springs and streams and the necessary right-of-way for pipe lines and sewers to convey water from said springs and streams to any school building, with the right to divert the water from any such springs or streams without returning it to its usual channel."

Power to sell water and maintain water-works.

Sec. 3. That said chapter one hundred and eighty-two be further amended by adding the following words to same: "That the board of trustees is hereby authorized to sell and dispose of to private parties any surplus water from any pipe lines or water-

works which it may establish, under such terms as it may deem proper, and to use the proceeds of such water sales in maintaining their water-works, placing the remainder, if any, in the school funds of said district. It may also authorize other persons to connect with and use its sewers upon such terms as it may deem proper."

Town to construct and maintain sewer.

Sec. 4. The Board of Aldermen of the Town of Andrews is hereby authorized and directed to construct immediately and maintain a public sewer of sufficient capacity to carry away and to convey to Valley River the sewage from Andrews Graded School. The use of said sewer shall be and remain free to the schools of said town and to any citizen of the same. The board of aldermen is authorized and directed to pay for the construction and maintenance of said sewer out of its levy for one thousand nine hundred and six, or to contract for the payment of a portion of same out of the levy for subsequent years.

Town to refund cost of road.

Sec. 5. That the Board of Aldermen of the Town of Andrews is hereby authorized and directed to refund to the Board of Trustees of Andrews School District the actual cost of a public road or street heretofore constructed across the grounds of the Andrews Graded School. And said board of aldermen is hereby directed to maintain in good condition for public use the aforesaid road or street, as other streets are maintained.

Sec. 6. That all laws in conflict with this act shall not be operative within Andrews School District.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 295.

AN ACT TO AMEND SECTION 30 OF CHAPTER 201 OF THE PRIVATE LAWS OF 1905, BEING THE CHARTER OF THE TOWN OF MOUNT OLIVE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Proviso: merchants exempt from license tax.

Section 1. That section thirty, chapter two hundred and one of the Private Laws of one thousand nine hundred and five, be amended by adding at the end of said section the following: "*Provided*, that this section shall not apply to merchants and all others dealing in goods, wares and merchandise of any kind who shall pay an annual property tax on the said goods, wares and merchandise in the said town."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 296.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WALNUT COVE, IN STOKES COUNTY, CHAPTER 60 OF THE PRIVATE LAWS OF 1889.

The General Assembly of North Carolina do enact:

Punishment for violation of town ordinance.

Section 1. That section six of chapter sixty of the Private Laws of one thousand eight hundred and eighty-nine be amended by striking out the word "and," in line three of said section, after the word "dollars" and before the word "imprisonment,"

Commissions to clerk.

and by inserting in lieu thereof the word "or"; and that section eight of said chapter be amended by inserting after the word "commissioners" and before the word "all," in line three of said section, the following, to-wit: "first retaining such commissions on the same as the board of town commissioners may in its discretion allow, and."

Repealing clause.

Sec. 2. That all laws and clauses of laws in conflict with said chapter, or the provisions of this act or its enactment, be and they are hereby modified or repealed to such an extent as may be necessary to give full force to said chapter and no further.

Sec. 3. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 297.

AN ACT TO ESTABLISH A SPECIAL TAX SCHOOL DISTRICT IN CASWELL COUNTY TO BE KNOWN AS "SEMORA GRADED SCHOOL."

The General Assembly of North Carolina do enact:

Territory described.

Section 1. That the following described territory, lying and being in Caswell County, in Milton Township, covering Milton School Districts Numbers Thirty-one and Thirty-two, bounded as

Boundary.

follows, to-wit: Beginning at a stake in the Person County line at a point where it is intersected by the line of School District Number Thirty, near John W. Smith's residence; thence with said Person County line north to the Virginia and North Carolina State line; thence west along said Virginia and North Carolina State line to a stake near Miss Elizabeth Connelly's; thence south along known lines of School Districts Thirty-one and Thirty-two to the corner stake in Leesburg Township line, near M. P. Hix's residence; thence east with the line of District Number Thirty to the beginning, near John W. Smith's, be incorporated into and established as a special tax school district for the

white race and colored race, to be known as "Semora Graded School."

Trustees to order election.

Sec. 2. That the board of trustees hereinafter named shall, on the first Monday in May, one thousand nine hundred and seven, submit to the qualified voters of said district above created the question of establishing a special tax school district. The said trustees shall give thirty days' notice of said election by notices posted at four public places in said district. The said board of trustees shall select three of the qualified voters of said district, one of whom it shall appoint registrar and the other two poll-holders, to hold said election, and these three shall hold said election and shall be governed in their acts in all particulars as to the registration of voters, challenges and so forth by the same rules and regulations as prevail in the election of members of the General Assembly. The qualified voters of said district shall vote, at said election, tickets on which shall be printed or written the words "For School Tax" or "Against School Tax," and the said registrar and poll-holders shall canvass the returns, declare the result and report the same to the board of county commissioners to be filed in the office of the Register of Deeds of the County of Caswell. The said election shall be held at the school-house in said district created by this act. That if a majority of the qualified voters of said district shall vote at said election "For School Tax," it shall be the duty of the Board of County Commissioners of Caswell County to levy, at its meeting in June, one thousand nine hundred and seven, and annually thereafter, a special tax of twenty cents on the one hundred dollars' valuation of all the taxable property of said school district and sixty cents upon each taxable poll. The tax so levied shall be collected by the Sheriff of Caswell County, and shall be by him turned over to the treasurer of the said school trustees, who shall pay out the same for the exclusive use and benefit of said special tax district only upon a warrant or order signed by the chairman and secretary of said board of school trustees.

Notice of election.

Registrar and poll-holders.

Law governing election.

Tickets.

Declaration and report of result.

Polling place.

County commissioners to levy tax.

Tax rate.

Collection of tax.

Quota from general fund.

Sec. 3. That all public school funds derived from State and county, together with the amount coming from the special tax above provided for, shall be by the proper officers paid to the board of trustees by this act created, and shall by it be used for the benefit of Semora Graded School.

Trustees named.

Sec. 4. That the following persons be and they are hereby appointed trustees for said school district, whose terms of office shall commence on the first day of March, one thousand nine hundred and seven, to-wit: T. T. Adams, Robert W. Taylor, Sr., John T. Lea, J. M. Long, G. T. Lansdell, T. A. Winstead, J. E. Jordan, D. L. Morton and Walter Jeffreys. That T. T. Adams, Robert W. Taylor, Sr., and John T. Lea shall serve for a term of two years from and after the first day of March, one thousand nine hundred and seven; that J. M. Long, G. T. Lansdell and

Terms of office.

T. A. Winstead shall serve for a term of four years from and after the first day of March, one thousand nine hundred and seven, and that J. E. Jordan, D. L. Morton and Walter Jeffreys shall serve for a term of six years from and after the first day of March, one thousand nine hundred and seven. That at the general election for county officers for said county to be held in the year one thousand nine hundred and eight, there shall be elected by the qualified voters of said school district, in the manner prescribed for the election of members of the General Assembly, three persons from among the qualified voters of said district to serve as such trustees for a term of six years from the first day of the following March; that at the general election for county officers for the said county to be held in the year one thousand nine hundred and ten and in each second year thereafter, there shall be elected by the qualified voters of said school district from among the qualified voters thereof, in the manner prescribed for the election of members of the General Assembly, successors to the trustees whose terms of office shall expire on the first day of March following. All vacancies in said board of trustees caused by resignation or otherwise shall be filled by the remaining members of the board by a majority vote thereof until the next general election, when such vacancies shall be filled by election as hereinbefore provided.

Elections of trustees.

Vacancies.

Trustees to have charge of schools.

Officers, by-laws, rules and regulations.

Sec. 5. That said school trustees above named and their successors shall have charge of the public schools in said district and shall elect such officers and adopt such by-laws, rules and regulations as they may deem proper, and they shall elect a treasurer from among their number, who shall have charge of all the moneys to be used for school purposes in said district, who shall receive such compensation as may be agreed upon and give such bonds as may be required. The said trustees above named and their successors shall spend all moneys coming into their hands from any and all sources for the sole benefit of said schools.

Teachers and officers and compensation.

Trustees to buy, sell or hold property.

Non-resident pupils.

Sec. 6. That said trustees shall have power to employ all teachers and select all officers necessary for said schools and fix their compensation. They shall have the right and power to buy, sell or hold such real or personal property as may be necessary, and to do any and all things necessary for the successful conduct and management of said schools. The trustees shall have power, upon such terms as they may deem just, to allow children outside of said territory to attend said schools.

Examination of teachers.

Sec. 7. That the teachers in said schools shall stand like examinations before the county superintendent of schools to those required of other public school teachers in said county.

Sec. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 298.

AN ACT AUTHORIZING AND DIRECTING THE MAYOR AND COMMISSIONERS OF THE TOWN OF WINDSOR TO CONVEY CERTAIN SCHOOL PROPERTY TO THE WINDSOR GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That the Mayor and Commissioners of the Town of Windsor, in Bertie County, are hereby authorized, empowered and directed to convey by deed executed by said mayor and clerk of said town and all of the said commissioners the property on Queen Street, known as the Windsor Academy lot, together with all buildings thereon; which said property shall be held by the Trustees of the Windsor Graded School District for the purpose of a public school for the white race of said graded school district. Property to be conveyed.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 299.

AN ACT TO INCORPORATE THE WELDON AND ROANOKE RAPIDS ELECTRIC RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That W. S. Parker, T. L. Emry, H. C. Cooper, Charles R. Emry and William H. S. Burgwyn and their associates, successors and assigns be and they are hereby created a body politic and corporate by and under the name of the Weldon and Roanoke Rapids Electric Railway Company, and by that name shall exist for ninety-nine years, with the right to have and use a common seal, to sue and be sued, to contract and be contracted with, to purchase or acquire by gift or devisal property, real and personal and mixed; to hold, lease and sell the same as the interest of said company may require, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other street railway or railroad company under the laws of North Carolina. Corporation. Corporate name. Term. Corporate rights.

Sec. 2. That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, to be created by subscription, contribution or donation by individuals, townships, municipal or other corporations; and such Capital stock. Payments for subscription.

subscriptions may be paid in money, labor, land, material, stocks, bonds or other securities as may be stipulated between the company and the subscribers. The said company may, by a concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to an amount not exceeding one million dollars: *Provided, however*, that such increase shall be null and void until the amount of such increase shall be certified to the Secretary of State and the taxes prescribed therefor by law be paid.

Increase of capital.

Proviso: increase certified to Secretary of State.

Books of subscription.

Sec. 3. That for the purpose of creating capital stock for said company, any three of the corporators above named may open books of subscription to said capital stock at such times and places as they may appoint, and keep the same open for such time as they may determine under such rules and regulations as a majority of such corporators may prescribe.

Meeting for organization.

Sec. 4. That when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of at least three of the corporators above named to call a general meeting of the corporators and subscribers for stock of said company, of which meeting five days' notice of the time and place thereof shall be given to each corporator and to each subscriber for stock, and if a majority of the stock then subscribed for shall be represented in person or by proxy at said meeting, such stockholders shall proceed to elect a board of directors to consist of five stockholders, which may at any time be increased to nine; and the said directors shall thereupon at said meeting, or thereafter, proceed to elect one of their number president, and shall also elect such other officer or officers as the by-laws may prescribe, and may do and perform all other acts necessary to the complete organization of said company. In all meetings of stockholders each share of stock shall be entitled to one vote.

Notice of meeting.

Directors.

President and other officers.

Stock vote.

Power to construct, operate and maintain railways.

Sec. 5. That said company is hereby given power and authority to make, contract, equip, operate and maintain a line or lines of railway, with one or more tracks, and with such cars, trolley wires, cable posts, side tracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary through, along and over the streets, avenues, roads and highways of all towns and villages within a radius of seventy-five miles from the center of the city of Weldon, North Carolina, and connecting said town with the towns and villages and any of said towns and villages with each other and to such points within the vicinity thereof and within the radius aforesaid as the said company may from time to time determine; to cross any track or any street railway or railroad company now incorporated or hereafter to be incorporated; to erect and equip such stations, warehouses, offices, power plants, shops and other buildings as its said board of directors may deem necessary; to buy or other-

Stations and other buildings.

Power.

wise acquire, generate, develop, store, use, transmit and distribute power in the form of electric current, hydraulic, pneumatic and steam pressure, and in any or all forms now or hereafter in use for driving machines or for propelling cars or carriages; to charge and collect such sums of money for the carriage of passengers and transportation of property as the board of directors may reasonably fix as the fare or rate of transportation between given points: *Provided*, that its line or lines of railway shall be constructed over and along streets within the corporate limits of said town or towns and villages by and with the consent of the governing bodies thereof, and over and along the public highways and avenues without said corporate limits by and with the consent of the authorities having lawful supervision and control of said public highways and avenues.

Charges for passengers and freight.

Proviso: railways on streets and highways.

Sec. 6. The said company shall have power to take by purchase, lease or otherwise the railroad franchise and property of any other railroad or turnpike now constructed or that may hereafter be constructed in this State. It shall have power to consolidate its franchise or property with any other road under such name as may be agreed upon. It may assign or lease its property or franchises or any part thereof to any other railroad, and the road so leasing and purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though they had been originally held and constructed by the railroad so leasing or purchasing, and the road so leasing or purchasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: *Provided*, that nothing in this act shall be construed to allow the said railroad to become the channel through which any competing railroad companies shall consolidate. The said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this State or elsewhere and hold shares in the same. It shall have power to use any section or portion of its road before the whole of the same shall have been completed and charge for the transportation of passengers and freight thereon.

May lease other roads.

Power of consolidation.

Power to assign or lease property or franchise.

Proviso: competing roads.

May subscribe to stock.

May use sections of road.

Sec. 7. That said company is hereby given power and authority also to make, transmit and furnish to individuals and corporations power, light and heat in the form of electricity or other forces, currents or fluids used for such purposes; to construct, maintain and operate a plant or plants for the purpose of generating, manufacturing and transmitting the same either above or underground, by wires, cables, tubes, pipes, conduits and all other ways and means now used or which may be devised for the transmission of power, light and heat and to transmit and distribute the same directly to consumers or users; to make, buy, deal in, furnish, supply and sell electricity and any and all other

Rights as power and lighting company.

kinds of power, fluids, forces, currents, matters and materials now used or which may be discovered for the purpose of illumination, heat and power; to manufacture and repair, buy, sell and deal in any and all necessary machinery, apparatus and appliances used in, or which may be required or deemed advisable for or in connection with, the installation of any or all such forces, fluids and powers, or in anywise appertaining thereto or connected therewith; to purchase, lease, acquire, hold and improve, operate and maintain water-power, water rights and privileges; to supply water to persons, corporations, towns and cities for domestic of public purposes, for use as power and for manufacturing purposes, and to charge and collect such rents and rates therefor as may be deemed advisable or expedient; to purchase, acquire, rent, lease, own, hold, improve and develop real property in such quantities as may be deemed expedient; to lay out and plot any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites and other convenient forms, and to lay out, plot and dedicate to public use or otherwise streets, avenues, alleys and parks.

Rights as water company.

Rights as land company.

Power to borrow money.

Sec. 8. That said company is also given power and authority to borrow such sums of money as may be necessary for its purposes from time to time, and for such loans to issue its bonds, bearing legal rate of interest; to sell, exchange and hypothecate said bonds on such terms as it may deem advisable, and to secure the said bonds and interest thereon by deed of trust and mortgage, conveying its road-bed, property and franchises in whole or in part.

Power to condemn land.

Sec. 9. That in order to carry into effect the purposes of this act, said company may survey such route for its line or lines or railroad and for its ways and means of transmission of power, light and heat as may be deemed practicable; and if any lands of individuals or corporations, or any easement, privilege or right-of-way therein shall be found necessary for the construction and operation of the said line or lines of railway, its branches and sidings of the standard width, and its wires, cables, tubes, pipes and conduits for the purpose of transmission and distribution of power, light and heat, and if unable to agree with the owners thereof upon the compensation therefor, said company shall have the right to acquire title to the land or to an easement, privilege or right-of-way therein in the manner and by the special proceedings prescribed by chapter sixty-one, volume one, Revisal of one thousand nine hundred and five, entitled "Railroads."

Misdemeanor.

Sec. 10. That any person who shall deface, injure or destroy, remove or obstruct said railway or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or machinery thereof, or its structures or appli-

ances of any kind, shall be guilty of a misdemeanor and fined or imprisoned within the discretion of the Superior Court. Punishment.

Sec. 11. That any person or persons who shall cast, throw, shoot, propel or project or in anywise put in motion any stone, rock, shot, torpedo or other missile of any kind or nature, against or into any car, carriage, coach or train of said railroad, whether the same be in motion or at rest, with intent to injure such car, carriage or coach, or any person or persons thereon or therein, or the property of said company, shall be guilty of a misdemeanor and fined or imprisoned within the discretion of the Superior Court. Throwing missiles a misdemeanor. Punishment.

Sec. 12. That the conductors and drivers and other agents and servants of said company, while in the active service of said company, or in the discharge of any duty connected therewith, are vested with the same power, authority and privileges which belong to similar officers and agents of railroad companies in this State as provided by chapter sixty-one, Revisal of one thousand nine hundred and five; and in addition to the general power conferred upon such officers and agents, they may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fares of said drunken, disorderly or profane person or persons have been paid or not, and the said company shall not be liable or responsible in damages therefor, and such agent or officer shall not be liable civilly or criminally therefor, unless he uses greater force than may be necessary to eject such person or persons. Police powers. Ejectment of drunken, profane or disorderly persons.

Sec. 13. That the stockholders shall not be individually or personally liable for any of the contracts, obligations, indebtedness, defaults or acts of the corporation, and no stockholder shall be liable to pay for more stock than he has subscribed for. Stockholders not personally liable.

Sec. 14. That the principal office of said corporation shall be at Weldon, North Carolina; and such branch offices as may be desirable for the purposes of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe. Principal office. Branch offices.

Sec. 15. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 300.

AN ACT TO AMEND THE CHARTER OF THE TOISNOT BANKING COMPANY.

The General Assembly of North Carolina do enact:

Savings department.

Section 1. That chapter two hundred and sixty of the Private Laws of one thousand nine hundred and one be amended as follows: "Sec. 13. The said Toisnot Banking Company is hereby authorized and empowered to establish a department known as the savings department of said banking company, and to carry on and conduct in said department of said banking company the general business of a savings bank."

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 301.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE LOWER CREEK AND LINVILLE VALLEY TRANSPORTATION COMPANY," BEING CHAPTER 564 OF THE LAWS OF 1891.

The General Assembly of North Carolina do enact:

Power to sell property.

Section 1. That chapter five hundred and sixty-four (564) of the Laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the Lower Creek and Linville Valley Transportation Company," be and the same is hereby amended by inserting after the word "may" and before the word "farm," in line thirteen of section five (being the second section so numbered five in error), the words "sell, transfer and convey"; and by inserting after the word "its" and before the word "roads," in said line thirteen of section five (being the second section so numbered five in error), the word "property."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 302.

AN ACT FOR THE RELIEF OF S. W. BYNUM, A FORMER SCHOOL TEACHER OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the County Treasurer of Onslow County is hereby authorized and directed to pay to S. W. Bynum the sum of twenty-two dollars ($22) out of the general school fund of said county, it being the balance due him for services as public school teacher in District Number ....., White Oak Township, Onslow County. Balance to be paid.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 303.

AN ACT FOR THE RELIEF OF H. SNEED AND THOMAS TAYLOR.

The General Assembly of North Carolina do enact:

Section 1. That the County Commissioners of Cherokee County are hereby authorized and empowered to pay H. Sneed and Thomas Taylor such sum or sums, not to exceed ten dollars for each distillery destroyed, as in the discretion of the said county commissioners may be just and proper for the destruction of illicit distilleries heretofore made and done by the said H. Sneed and Thomas Taylor. Allowance for destruction of distilleries.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 304.

AN ACT TO INCORPORATE THE TABERNACLE BAPTIST CHURCH OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That T. R. Cooper, T. B. Moseley and W. C. Betts and their associates and successors who may from time to time be elected as trustees by that body of religious worshippers known as the Tabernacle Baptist Church of Raleigh, North Caro- Corporators.

lina, be and they are hereby created a body politic and corporate under the name and style of "Tabernacle Baptist Church of Raleigh."

Corporate name.

Corporate powers.

Sec. 2. That said corporation shall have power to receive by gift, purchase, hold, sell, mortgage and otherwise acquire, use and convey all kinds of property, real, personal and mixed, and may have and use a seal and change the same at pleasure; may sue and be sued, plead and be impleaded in all courts, and shall generally have all the powers and privileges granted to corporations by chapter twenty-one of the Revisal of one thousand nine hundred and five of North Carolina and acts amendatory thereto.

Trustees to elect officers.

Sec. 3. That said trustees shall have power to elect their officers and call them by whatever names they think proper, and in case of death, refusal or removal from the city of Raleigh, North Carolina, of any of the persons named in this act, as trustees or their successors, then the remaining trustees, or a majority of them, shall have power to act until such vacancy shall be filled by the said body of religious worshippers.

Congregation to remove trustees.

Vacancies.

Number of trustees.

Sec. 4. That said body of religious worshippers known as the Tabernacle Baptist Church of Raleigh, North Carolina, shall have the right to remove any of said trustees at any time and fill vacancies arising from any cause in the number of said trustees, and shall also have the right to fix the number of said trustees and change the same at pleasure.

Resignation of trustees.

Sec. 5. That said trustees shall have the right to tender their resignations to said body of religious worshippers at any time, and, upon such resignation being accepted by said body of religious worshippers, such trustees shall be released from any further duties or responsibilities in that capacity. The said trustees and the said religious worshippers shall not be personally liable for the debts of said corporation.

Trustees not personally liable.

Congregation to issue bonds.

Amount.

Maturity.

Exemption from taxation.

Sec. 6. That the said corporation be and it is hereby authorized and empowered to issue its bonds in an amount not to exceed fifty thousand dollars in the aggregate, payable not more than sixty years after date, for the purpose of raising funds to construct a new church building, securing the same by a mortgage upon its property; and said bonds so issued shall not be subject to taxation by the State of North Carolina or by any county or city in North Carolina while in the hands of any person or persons or corporation.

Sec. 7. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 305.

AN ACT TO AUTHORIZE THE TREASURER OF RANDOLPH COUNTY TO PAY A PUBLIC SCHOOL TEACHER OF SAID COUNTY REMAINDER OF SALARY FOR 1905.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of the County Board of Education of Randolph County is hereby authorized and empowered to pay Daisy G. Cross the sum of twenty dollars out of any moneys appropriated to District Number One, Union Township of said county, for colored race. Balance to be paid teacher.

Sec. 2. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 306.

AN ACT TO AMEND CHAPTER 413 OF THE PUBLIC LAWS OF 1901, RELATIVE TO A COTTON-WEIGHER FOR THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter four hundred and thirteen of the Public Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the first four lines of said section and all of the fifth line thereof to and including the word "board," and inserting in lieu thereof the words "That at the next general election for members of the General Assembly, and biennially thereafter, there shall be elected a cotton-weigher for the town of Laurinburg, who shall enter upon the duties of his office the first Monday of December succeeding such election. Any vacancy in the office shall be filled by the Board of County Commissioners of Scotland County." Election of cotton-weigher. Vacancy

Sec. 2. Add to section one a subsection (a), as follows: "That said cotton-weigher shall be voted for by the qualified voters of Lower Laurel Hill Township and Stewartsville Township Number One." Elections.

Sec. 3. That this act shall take effect from and after the first day of August, one thousand nine hundred and eight, but nothing herein shall be construed to prevent the board of county commissioners from continuing the election of cotton-weighers for said town until one shall be elected at a general election under this act. When act effective.

Sec. 4. This act shall only apply to Scotland County.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 307.

AN ACT TO INCORPORATE NORTH CAROLINA SAVINGS BANK AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. This is to certify that E. M. Armfield, F. C. Boyles, M. J. Wrenn, J. H. Mills, C. C. McAllister, T. F. Wrenn, J. A. Lindsay, their associates, successors and assigns are hereby con-

Corporate name.

stituted and declared a body politic and corporate under the name of "North Carolina Savings Bank and Trust Company."

Principal office.

Sec. 2. The principal office and place of business of this corporation shall be in the city of High Point, Guilford County, North Carolina, and the corporation shall have the right to establish

Branch offices.

branch offices and places of business at such other points in North Carolina or in the United States or any of its dependencies as the board of directors may from time to time agree upon; and a local board of directors and other officers and agents may be elected at such branch offices and places of business, and such directors, officers and agents may take immediate control of such branch offices and places of business and manage same in the manner provided by the by-laws of this corporation.

General commercial and savings bank powers.

Sec. 3. This corporation shall have the power to do a general commercial and savings banking business; to receive deposits and hold same subject to check; to discount promissory notes on sight or time drafts drawn against actually existing values; receive savings deposits and pay interest thereon, not exceeding the legal rate, reserving the right, however, to demand thirty days' notice of withdrawal of savings deposits; and to conduct a general banking business with both the commercial and savings features and with all the rights, privileges and powers consistent with the laws of the State of North Carolina and incident to the carrying on of a general commercial and savings banking business.

Power to procure loans.

Sec. 4. Said corporation shall have power to obtain and procure loans for any person, company, corporation or partnership and charge and receive such compensation therefor as may be agreed upon; to invest or loan its own money or any money under

Securities for money loaned.

its custody and control for others; and to lend and invest money in or upon the security of mortgages, pledges or deeds of trust upon any land, hereditaments or interest therein of any description, situated anywhere; or to lend or invest money in or upon the security of bonds, shares, notes, debentures or other securities of any State of the United States or any county, city or town; to lend money upon, purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable and commercial paper, or any stock, bullion, merchandise or other personal property, or to buy, own,

sell or otherwise dispose of the same; and to charge any rate of interest upon such loans, not exceeding the legal rate, and to retain such interest in advance or collect the same at any time agreed upon between said corporation and the borrower; and in event any debtor fails to pay off and discharge his indebtedness when due, said corporation may exact and collect such sum, with legal interest and reasonable costs incurred in such collections. Said corporation shall have power to act as agent, factor or trustee for any county, town or municipal corporation or company or individual on such terms as to the agency or compensation as may be agreed upon, in registering, selling, countersigning, collecting, acquiring, holding, buying, dealing in and disposing of, on account of any State, municipal corporation, private corporation, company or person, bonds, certificates of stock of any description or property, real or personal. Said corporation shall have power and authority to become surety on the bond of any State, county or town official, or on the bond of any guardian, trustee or natural person, or on bonds or undertakings of all kinds in any court of justice as fully as any natural person may do. Said corporation may act as receiver, trustee, administrator, commissioner or guardian of a minor or of a lunatic or insane person, and the compensation and accounts of said corporation in such fiduciary capacity shall be regulated and settled in the manner prescribed by law. And said corporation may receive deposits from married women and minors, and open accounts with them in their own names, whether for investment or otherwise, and when any deposit shall be made in the name of any minor or married woman, the said corporation may deal with such minor or married woman in reference thereto as though he or she were *sui juris* and under no disability, and payment made to such married woman or minor on her or his receipt, check, draft or acquittance, or payment to such persons, company, firm or corporation, or the assignee of such, as shall present the check drawn against such deposit, shall be a valid and sufficient discharge to said corporation for such deposit and any interest thereon as may be drawn and paid. Said corporation shall have power to do a general collecting business in the way of collecting accounts of all kinds, receiving a stipulated compensation for its services, and also to buy and sell real estate either on its own account or for others on a commission or other compensation agreed upon. And said corporation shall have the power to act as the agent of and underwriters for fire, life, tornado, marine, wind, hail, accident, horse and lightning insurance companies, and insurance companies of all kinds; and to engage in a general real estate business; and generally said corporation shall have power to perform all acts which may be deemed necessary or expedient for the successful and proper prosecution of the objects and purposes for which it is created.

Agent, factor or trustee.

Power to act in fiduciary capacities.

Deposits of married women and minors.

Power as collecting agent.

Insurance agents.

Real estate business.

Capital stock.

Sec. 5. The total authorized capital stock of this corporation is fifty thousand dollars, divided into one thousand shares of the par value of one hundred dollars each; but the corporation may organize and begin business when twenty-five thousand dollars ($25,000) of capital stock, composed of two hundred and fifty shares, shall have been subscribed for.

Term of corporation.

Sec. 6. The period of existence of this corporation shall be thirty years.

By-laws.

Sec. 7. The board of directors of this corporation shall have power, by a majority vote of all the directors, and without the assent or vote of the stockholders, to make, alter, amend or rescind the by-laws of this corporation.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 308.

AN ACT TO INCORPORATE THE WINSTON BANK AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That A. S. Hanes, W. D. Currin, Robt. Lassiter, W. N. Reynolds, J. R. Fletcher, H. G. Chatham, R. C. Norfleet, F. S. Verney, C. W. Barbee, J. S. Dunn, G. F. Dwire, M. D. Stockton, E. W. O'Hanlon, J. E. Kavanaugh and H. R. Starbuck, together with such other persons as they may associate with them, their successors and assigns, be and they are hereby declared a body corporate under the name of "Winston Bank and Trust Company," for the term of sixty years, with the power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have and to use a common seal, to make, alter and amend such by-laws as may be necessary or expedient for carrying out the purpose and design of the corporation: *Provided*, such by-laws are not in conflict with the powers herein granted, or with the laws of this State or the United States; and to do and perform every act necessary or expedient to carry on the business of said company as completely as the same could be done by an individual citizen of this State, and with all the rights, powers and franchises pertaining to a corporation.

Corporate name.

Term of corporation—corporate powers.

Principal office.

Sec. 2. The principal office of said company shall be in the city of Winston, North Carolina, but the directors may establish branch offices at such other places in the State as may be deemed advisable by the board of directors.

Capital stock.

Sec. 3. That the capital stock of said corporation shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, which said capital stock may be increased at any time, or from time to time, by vote of a majority of the stockholders to any sum not exceeding five hundred thousand dollars: *Provided*, such taxes and fees for such increase be paid to the State Treasurer and Secretary of State as provided by law in such cases. When said one hundred thousand dollars of said capital stock is subscribed, the incorporators above named, or any five of them, shall call a meeting of the subscribers to the stock for the purpose of organization, and at such meeting a board of directors shall be elected, to consist of not less than five nor more than fifteen persons, who shall serve for one year or until their successors are elected and qualified. The board of directors shall elect the officers of the company, consisting of a president, one or more vice-presidents as the board may determine, secretary, treasurer, and such other officers as the board may think necessary; but the same person may hold two or more of the said offices, if the board shall so determine. The officers shall hold at the pleasure of the board of directors, who may require bonds from the said officers in such amounts as it may deem reasonable and necessary for the faithful performance of their duties.

Increase of capital.

Proviso: tax and fees on increase.

Meeting for organization.

Directors.

Term of directors.

Officers.

Terms and bonds of officers.

Increase of stock.

Sec. 4. That the increase in capital stock of said corporation provided for in the preceding section shall be made either by individual subscription to stock or by application of the surplus earnings of the corporation to such purpose, and if said increase shall be from the earnings of the corporation, the directors shall have the power to declare stock dividends to the stockholders *pro rata*. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy. And the stockholders of the corporation shall be individually liable, equally and ratably and not one for another, for all contracts and debts of the corporation to the extent of the amounts of their stock therein at the par value thereof, in addition to the amounts invested in such stock; but no person holding stock in said corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such corporation, but the person pledging such stock shall be liable as a stockholder, and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable to the same extent as the testator or intestate, or the ward or the person interested in such fund would have been, had he been living or competent to hold the stock in his own name.

Stock dividends.

Stock vote.

Liability of stockholders.

When business to begin.

Sec. 5. That said corporation shall have authority to transact business whenever said one thousand shares of stock shall be fully subscribed and the sum of ten dollars per share shall be paid in upon such subscriptions. Further assessments shall be paid

Assessments on stock.

in as called for by the directors until one hundred thousand dollars shall be paid up in full.

General banking business.

Sec. 6. That said company shall have the right to do a general banking business, to receive deposits, make loans and discounts, buy and sell exchange, and to lend its own or its depositors' funds, and to do all other acts pertaining to the business of banking; to obtain loans and make loans for any person, partnership or corporation, either with or without guaranty, and to charge for such service such commission as may be agreed upon; to lend and borrow money on its own account, and to give and to receive such security as may be lawful or expedient, and to do all other acts as borrower or lender that a private individual may lawfully do; to loan money on mortgage or deed of trust on real or personal property or other security, and in case of default to sell such property or security and make title to the purchaser; to invest its own or the money of others in property, real or personal; to improve any real estate belonging to it by building or otherwise, and to buy, hold, sell, convey, rent, lease or deal in any real or personal property; to guarantee the title to any real estate or personal property; to guarantee the payment of any bonds, notes, mortgages, undertakings, or other securities or evidences of indebtedness of any person, partnership, company or corporation, municipal or private, and to receive such compensation therefor as may be agreed upon; to purchase, acquire or lend upon any stock, shares, bonds, notes, debentures or other securities of any government, State, municipality, corporation, company, partnership or individual, and to hold, deal in or sell the same; to receive upon deposit for safe-keeping jewelry, stocks, bonds and valuable property of every description, upon such terms as may be agreed upon, any charge for safe-keeping to be a lien upon such deposits until paid; to insure the fidelity of persons holding places of responsibility and trust, and to act as surety in such cases where by law sureties are required, and to receive therefor such compensation as may be agreed upon and to act as agent for life and fire insurance companies.

To accept and execute trusts.

Sec. 7. That said company shall have power to accept and execute all trusts that may be committed to it by any court, corporation, company or individual, and to accept any grant, assignment, transfer, devise or bequest, and to hold in trust any real or personal property, and to execute such trusts upon such terms as may be established by its board of directors, not in conflict with the laws of North Carolina or of the United States; that said company is authorized to receive on deposit funds in litigation in the courts of this State, and to pay therefor such interest as may be agreed upon; that said company may receive and accept appointments as executor, administrator, trustee, guardian, receiver or assignee, and the courts of this State are authorized to appoint said company as administrator, trustee, receiver or

Deposits of court funds.

May act in fiduciary capacities.

guardian, and to grant letters testamentary in case of its appointment as executor; and said company, having received such appointments, shall have power to act as such executor, administrator, guardian, trustee, receiver, assignee or depository, and to take, accept and execute any and all such trusts and powers of whatsoever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for its services shall have such commission or compensation as may be fixed by law, or as may be agreed upon. In lieu of the bonds required by law to be given by administrators, guardians, trustees, receivers or other fiduciaries, it shall be lawful for said company to file in the office of the Clerk of the Superior Court of Forsyth County an undertaking in the sum of ten thousand dollars with sufficient security, either personal or consisting of bonds of the State of North Carolina or of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to and to be approved by the said clerk; and the said undertaking so filed shall be conditional for the faithful performance of any trust which may be committed to the said company by order of any court of North Carolina, or entrusted to it as aforesaid, and it shall be renewed every three years, and separate bonds shall not be required in each case of trust committed to said company, but the said bond of ten thousand dollars shall be sufficient in all such cases, unless and until the same is increased as hereinafter provided. In case of default in the performance of any trust committed to said company, the said undertaking may be sued upon by the party injured or his personal representative in the Superior Court of any county of North Carolina where such default may have been made; and the Superior Court of any county wherein any such trust shall have been committed to said company, whenever it shall be made to appear that it is necessary in order to secure the faithful performance of all such trusts, may require the said undertaking to be increased to such an amount as the court may deem sufficient to secure the faithful performance of the same. A copy of such undertaking, duly certified by the Clerk of the Superior Court of Forsyth County and under his official seal, shall be evidence in all the courts of North Carolina; and the Superior Court of any county wherein any trust shall have been committed to said company shall have power to make orders respecting such trust, and to require the said company to render all accounts which said court might lawfully make or require, if such trustee were a natural person. In accepting any of the trusts or powers hereunder, the said corporation may qualify by one of its executive

Undertaking in lieu of bonds.

Qualification of corporation.

Investments.

officers. The said company shall have discretionary power to invest the funds received by it in trust in bonds of the United States or of any State, in the duly authorized bonds of any county or incorporated city of town, or in other good securities, or in

Responsibility as trustee.

safe real and personal securities; and the said company shall be held responsible to the beneficiaries under any such trusts under the same rules of law that govern natural persons executing such trusts, and for any losses by reason of such investments, for which by law the said company is or may be held responsible, the capital stock, property and effects of said corporation shall be liable, together with the additional liability of the stockholders hereinbefore referred to; and the capital stock, property and effects of said corporation shall be liable, together with the additional liability of stockholders hereinbefore referred to, for all acts of negligence, maladministration and defaults of every kind in the administration of any trusts for which the said company may by law be held responsible. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be held liable for any greater income, rents or profits than can be reasonably earned by safe and prudent

Liability as guardian.

investments; but whenever said company shall act as guardian, it shall be held liable for the same income and same rate of interest as natural persons acting as guardians are held.

Depository for trust funds.

Sec. 8. That said company shall be a legal depository for trust funds by other trustees and persons in position of trust.

Deposits of minors and married women.

Sec. 9. That in the event any money should be deposited with said company by any married woman or any minor for investment or otherwise, such money may be withdrawn by said married woman or said minor without the consent of the husband, parent or guardian, and the check or receipt of said married woman or said minor shall be as binding on said married woman or said minor, or on the husband or parent or guardian, as if she were a *feme sole*, or he or she were of full age.

Interest in advance.

Sec. 10. That said company, at the time of making loans or discounts, may take and receive in advance such interest as may be agreed upon, not exceeding the legal rate.

Interest on deposits.

Sec. 11. That said company may pay to its depositors such rates of interest on deposits, and under such regulations, as may be determined by the board of directors.

Savings bank business.

Sec. 12. That the said company is hereby authorized to organize, in connection with its general business, a department for savings, and to do a savings bank business, and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable said company to receive deposits in the savings department, and to give certificates or other evidence of deposit, and to pay such interest as may be agreed on, not exceeding the legal rate of interest, and to regulate the time of payment and notice of demand. Such savings department, if so desired by the

board of directors, may be kept separate and distinct from the other departments, and a treasurer may be chosen for its management; but the company shall be liable for the deposits in such department to the same extent as it is herein declared to be to its other creditors.

Powers as agent.

Sec. 13. That said company may be the agent of any person or of any private or public corporation to sell, buy, negotiate, transfer, register or countersign certificates of stock, bonds or other securities or evidences of indebtedness.

Powers as to stock of other corporations.

Sec. 14. That the said company is authorized to purchase, to hold and to sell stock in any other banking institution or in any other corporation, and to buy the stock or the entire assets of any other bank, national, State or private, and to pay for the same in cash or in the stock of said company.

Sec. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 309.

AN ACT TO AMEND CHAPTER 577, PUBLIC LAWS OF 1905, RELATING TO COTTON-WEIGHER FOR THE TOWN OF DUNN, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Bond of weigher.

Section 1. That chapter five hundred and seventy-seven of the Public Laws of one thousand nine hundred and five, be and the same is hereby amended by inserting after the word "dollars," in line three of said section, the words "payable to the State of North Carolina," and by striking out the words "the Commissioners of Harnett County and," in line four of said section two.

Proviso: removal for cause.

Sec. 2. That chapter five hundred and seventy-seven be further amended by adding at the end of section four the following words: "*Provided further*, that the Board of Commissioners of the Town of Dunn may for cause remove any cotton-weigher elected or appointed under this act, said board to be the sole judge of the sufficiency of such cause, and may appoint a successor, who shall temporarily discharge the duties of such office until a successor is appointed by the joint action of the Board of Commissioners of the Town of Dunn and the Board of Commissioners of the County of Harnett."

Sec. 3. That said chapter be further amended by striking out section five thereof, and inserting in lieu thereof the following:

Election and term.

"Sec. 5. That the Board of Commissioners of the Town of Dunn shall, at its first regular meeting in the month of May, one

thousand nine hundred and seven, and bienially thereafter, elect a competent and discreet person as cotton-weigher of and for the town of Dunn, which fact the Mayor or Clerk of the Town of Dunn shall certify to the Board of Commissioners of Harnett County at its session to be held on the first Monday in June next thereafter, and ask its concurrence in said election; and upon such concurrence therein said person shall be the duly elected cotton-weigher of said town; and upon the failure of the Board of Commissioners of Harnett County to concur in the action of the Board of Commissioners of the Town of Dunn, said Board of Commissioners of Harnett County shall certify said fact to the Board of Commissioners of the Town of Dunn, and shall call a joint session of said two boards, to be held at such time and place as the board of commissioners of said county shall designate, not later than the fifteenth day of July next thereafter, when and where said two boards shall jointly elect some discreet and competent person to fill said office."

Deductions.

Sec. 4. That said chapter be further amended by adding at the end of section six thereof the following words: "And it shall also be his duty to assess and deduct just and proper weights on account of dampness, damage or excessive weight, bagging or ties and so forth."

Sec. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 310.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HERTFORD.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and ninety-five (295), Private Laws of North Carolina for the year one thousand nine hundred and three, be and the same is hereby amended by striking out sections six, seven and eight and adding in lieu thereof the following:

Powers of commissioners as to streets.

"Sec. 6. That in addition to the powers granted in section five, the board of commissioners shall have power to lay out and open any new streets within the corporate limits of the town, whenever by them deemed necessary, and shall have power at any time to widen, change or discontinue or extend any street or streets or any part thereof within the corporate limits of the town, and shall

Power to condemn lands.

have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof. In case the owners of the land and the board of commissioners cannot agree upon a price, the said board of commissioners shall appoint five freeholders, residents of Hertford, who shall assess the land to be condemned and make report to the board of commissioners. If the board of commissioners accepts the report, it shall pay or tender to the said land-owner the amount assessed in legal tender of this country, and thereupon the title shall become vested in said board of commissioners and its successors. If the land-owner shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him of his right to appeal or a suit *de novo* for damages against the town for the value of the land taken.

Procedure for condemnation.

Appeal.

"Sec. 7. In addition to the tax permitted to be levied upon real and personal property within the corporate limits of the town, the commissioners are hereby empowered to levy a tax not to exceed seven (7) cents on the one hundred dollars ($100) assessed valuation of said real and personal property for the purpose of defraying the necessary expenses of a fire department. The said board of commissioners shall also have full and exclusive control of all regulations relating to protection against fire, and the town of Hertford shall be exempt from the requirements of subdivision eleven (11) of chapter seventy-three (73) of Revisal of one thousand nine hundred and five of North Carolina. Said board of commissioners shall have the right to establish fire limits in said town and prescribe the character of buildings and the material to be used in any building within the fire limits.

Tax for fire department.

Fire regulations.

Fire limits.

"Sec. 8. That in addition to subjects liable for taxation for State purposes, the commissioners shall have the power to levy and collect a special or license tax on the following subjects, to-wit: All itinerant auctioneers, merchants or peddlers vending or offering to vend in the town, each electric light company, each telephone company, each express company, each telegraph company, each broker or banker, dealer in patent rights, commission broker and commercial broker, each junk dealer, each distiller of fruit or grain, each livery stable keeper, every non-resident huckster or trader or agent of such, who buys produce for sale in other markets, each rectifier or compounder of spirituous liquors, each gift enterprise or lottery, each dray, each omnibus, each circus, each traveling theatrical company, each person or company making any exhibit or show for compensation, each billiard table and pool table, each ten-pin alley used by the public, each oil tank in said town of two hundred (200) gallons or over, on each butcher doing business in said town and each skating rink.

License taxes.

"Sec. 9. That it shall be lawful for the board of commissioners

Tax on shows.

to collect a tax for any circus or show exhibiting within one mile of the town limits of Hertford, and any manager or managers of any circus or show which shall be held within one mile of the said town limits without its first having paid the town license as aforesaid shall be guilty of a misdemeanor and fined fifty dollars."

Misdemeanor.

Punishment.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 311.

AN ACT TO AUTHORIZE THE CITY OF ROCKY MOUNT TO ISSUE BONDS FOR PAVING ITS STREETS AND FOR OTHER MUNICIPAL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Aldermen of the City of Rocky Mount is hereby authorized and empowered to issue coupon bonds of said city to an amount not exceeding one hundred and thirty-five thousand dollars, for the purpose of applying the proceeds arising therefrom to macadamizing, paving or otherwise improving the streets of said city, and to the enlargement, extension and improvement of its systems of municipal electric lighting and water supply.

Amount.

Purpose.

Maturity.

Sec. 2. That such bonds shall be payable or redeemable at such place or places and at such time or times, not exceeding fifty years from the date thereof, as said board of aldermen may determine, and shall bear interest from the date thereof at the rate of not more than five per centum per annum, payable semi-annually, on the first days of April and October of each year, at such place or places as said board of aldermen may determine.

Interest.

Authentication.

Such bonds shall be signed by the mayor and attested by the city clerk, and shall have the corporate seal of said city affixed thereto. The signatures of said mayor and city clerk may be lithographed upon the coupons attached to such bonds, and the said board of aldermen shall, in all other respects, prescribe the form and tenor of such bonds.

Act to be submitted to vote.

Sec. 3. That the provisions of this act in reference to the issuing of bonds and the levying of taxes shall be submitted to the qualified voters of the city of Rocky Mount for ratification or rejection at an election to be called by the board of aldermen of said city within ninety days after the ratification of this act; and such election shall be held as elections for mayor and aldermen are held in said city, and all such provisions of the law governing the holding of such municipal elections shall apply

Time of election.

Law governing election.

thereto unless herein otherwise provided. Notice that such election has been called shall be published for not less than thirty days in some newspaper published in said city; which notice shall state the purpose of such election and the time at which it is to be held, and shall recite, in full or in substance, the provisions of this section. At such election those favoring the issuing of such bonds and the levying of the particular taxes hereinafter provided for shall vote a written or printed ballot containing the words "For City Bonds," and those opposing the issuing of such bonds and the levying of such taxes shall vote a like ballot containing the words "Against City Bonds." Notice of election. Ballots.

Sec. 4. That it shall be the duty of the registrar and judges of election of the several wards or voting precincts of said city to incorporate in the returns of the result of such election in their respective wards or voting precincts the number of qualified voters therein as shown by the registration books. The board of canvassers of said city shall, from such original ward or precinct returns, canvass the votes cast at such election, and shall judicially determine and declare the result thereof. Said board of canvassers shall prepare and file with the city clerk an abstract, setting out the number of votes cast and how cast in the several wards or voting precincts of said city at such election, the number of qualified voters therein, and the result of such election as judicially determined and declared by said board, and said city clerk shall record such abstract as a permanent record of said city. Returns. Canvass of returns. Abstract. Record of abstract.

Sec. 5. That, should the result of such election be favorable to such bond issue, the board of aldermen of said city shall, without unnecessary delay, proceed to issue such bonds in an amount not exceeding one hundred and thirty-five thousand dollars, and to make sale thereof in such manner and upon such terms as said board of aldermen may deem most advantageous. Issue and sale of bonds.

Sec. 6. That, for the purpose of providing for the payment of such bonds and the interest thereon, the board of aldermen of said city, at the time of levying other municipal taxes for the fiscal year beginning the first day of June, one thousand nine hundred and seven, and annually thereafter, shall levy and lay the following particular taxes: (1) On all real and personal property within the corporate limits of said city, including money and solvent credits, and on all subjects of taxation upon which an *ad valorem* tax is or may be imposed by the General Assembly, a tax not exceeding thirty cents on every one hundred dollars of valuation. (2) A capitation tax of not more than ninety cents on every taxable poll of male persons residing within the corporate limits of said city on the first day of June of each year. Tax for bonds and interest. Property tax. Poll tax.

Sec. 7. That such taxes shall be collected by the city tax collector as other municipal taxes are collected, and by him paid over to the city treasurer; and said city treasurer shall pay out such moneys only upon order of the board of aldermen. Collection and disbursement of taxes.

Funds to be kept separate.

Specific appropriation.

Sec. 8. That the city treasurer shall keep all moneys realized from the sale of such bonds as may be issued in pursuance of this act separate and apart from all other funds in his hands, and shall pay out the same only upon order of such board of aldermen; and said board of aldermen shall expend such moneys only for the purposes set out in section one of this act.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 312.

AN ACT TO AMEND CHAPTER 330 OF THE PUBLIC LAWS OF 1903, BY CHANGING THE BOUNDARY LINE OF WESLEY CHAPEL GRADED SCHOOL DISTRICT, IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Boundary changed.

Section 1. That section one of chapter three hundred and thirty of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by adding between the word "to" and the word "the," in line fifteen, the words "and including," and by adding after the word "mine" and before the word "thence" words as follows: "Tract of land; thence to and including the Phifer gold mine tract of land owned by A. J. Price and others."

Included territory liable to tax.

Sec. 2. That the persons and property being and situated in the territory added to the boundary of said district by section one of this act shall be liable to the special school taxes imposed upon said district.

Question to be voted on.

Sec. 3. That before said addition to said district shall be liable for said taxes, the question of taxes and schools shall be submitted to the qualified voters of the entire district including the addition made by section one of this act.

Law governing election.

Sec. 4. That for the purposes of this act and for an election the provisions made in sections two and three of chapter four hundred and twenty-one of the Public Laws of one thousand nine hundred and one shall be and the same are hereby made applicable: *Provided, however*, the Commissioners of Union County shall order said election to be held on the first Monday in May, one thousand nine hundred and seven.

Proviso: date for election.

Effect of election.

Sec. 5. That if a majority of votes cast at said election be against schools and taxes, that the same boundary lines as are set forth in chapter three hundred and thirty of the Public Laws of one thousand nine hundred and three shall be in full force and effect.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of March, A. D. 1907.

CHAPTER 313.

AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO REFUND ITS INDEBTEDNESS FOR NECESSARY CURRENT EXPENSES.

Preamble.

Whereas, on the first day of May, one thousand eight hundred and ninety-eight, the city of Raleigh issued its notes or bonds to the amount of twenty-five thousand dollars, bearing interest at the rate of five per cent. per annum and payable five years after date thereof, which said notes or bonds were issued under the provisions of an ordinance of the board of aldermen of said city, passed April first, one thousand eight hundred and ninety-eight, for the purpose of taking up outstanding warrants for the necessary current expenses of said city, and are now held by the Penn Mutual Life Insurance Company, of Philadelphia, Pennsylvania; and whereas, the Board of Aldermen of the City of Raleigh desires to refund said indebtedness at a lower rate of interest, and to provide a sinking fund to meet the principal when due: now therefore,

The General Assembly of North Carolina do enact:

Purchase of bond issue.

Section 1. That for the purpose of refunding at a lower rate of interest the indebtedness of the said city of Raleigh, incurred for the necessary current expenses of said city, as evidenced by five notes or bonds in the amount of five thousand dollars each, now held by the Penn Mutual Life Insurance Company, of Philadelphia, Pennsylvania, the Board of Aldermen of the City of Raleigh be and it is hereby authorized and empowered to issue bonds in the name of the city of Raleigh, in such denominations and forms as it may determine, to the amount of twenty-five thousand dollars, payable at such times and places as the board of aldermen may prescribe: *Provided*, that the time of payment of such bonds shall not be less than thirty years nor more than sixty years from that date.

Issue authorized.

Amount.

Proviso: maturity.

Interest.

Sec. 2. That the said bonds shall bear interest at the rate of four per cent. per annum, payable semi-annually on the first days of January and July in each year, and said bonds shall in no case be sold, hypothecated, exchanged or otherwise disposed of for less than the par value.

Bonds not to be sold below par.

Authentication.

Sec. 3. That said bonds shall be signed by the mayor, attested by the treasurer of the city and sealed with the corporate seal

Exemption from taxation—coupons receivable for taxes.

Special tax.

Proviso: specific appropriation.

Duty of city treasurer.

thereof, and shall have interest coupons attached thereto, which said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable in payment of city taxes. That for the purpose of paying said bonds at maturity and the said coupons as they become due, it shall be the duty of the board of aldermen, and it is hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city, and in the manner and at the same time as other taxes are collected under said charter: *Provided*, that the tax collected under this act for the payment of said bonds and the interest coupons as aforesaid shall be used for no other purpose; and it shall be the duty of the city treasurer, as said coupons are paid off and taken up, to cancel the same and report not less than once a year to the board of aldermen the number and amount of coupons cancelled.

Sale of bonds.

Appropriation of proceeds.

Surplus.

Sec. 4. The said bonds shall be sold at public or private sale, with or without notice, as the board of aldermen may determine, and the proceeds of said bonds, including any premium received upon their sale, shall be applied to the payment of the indebtedness hereinbefore mentioned and described, incurred as aforesaid for the necessary current expenses of said city, as evidenced by the notes or bonds hereinbefore described and now outstanding; and, after paying the necessary expenses, any surplus shall be turned into the general treasury, and the purchaser of said bonds shall not be bound to see to the application of the purchase money.

Sec. 5. That this act shall take effect and be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 314.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF WISE, WARREN COUNTY.

The General Assembly of North Carolina do enact:

Boundary of district.

Section 1. That all the territory embraced within the following bounds, including the town of Wise, to-wit: Beginning at a point on South Creek where the Virginia line crosses said creek, thence up said creek to the mouth of Terrapin Creek; thence up said Terrapin Creek to the southwest corner of Daniel Hicks' land; thence along Daniel Hicks' line eastwardly to John Robinson's line or ridge path; thence southwardly along said Robinson's line and ridge path to the southwest corner of said Robinson's

land; thence eastwardly along said Robinson's line to Hawtree Township line; thence southwardly along said Hawtree Township line to the south side of N. B. Weldon's land; thence along the south side of said Weldon's land; thence along the north side of John Cawthorn's land; thence along the south side of P. R. Perkinson's land to the public road; thence northwardly along said road to the southwest corner of Richard Stevenson's estate; thence along the south side of the Stevenson land to the Falkner land; thence east to Hawtree Creek; thence down Hawtree Creek to the Virginia line; thence along said line weswardly to the beginning, shall be and is hereby constituted a public school district for white and colored children, to be known as the Wise Graded School District.

School trustees.

Sec. 2. That the following named persons are hereby appointed school trustees: J. B. Paschall, P. R. Perkinson, J. H. Hicks, H. L. Coleman and T. J. Hicks, for the schools in said district, and shall hold for the terms herein provided for, and all vacancies in said board of trustees are to be filled as provided for herein, to-wit: T. J. Hicks and H. L. Coleman to hold for a term of two years; J. Hicks and P. R. Perkinson to hold for a term of three years, and J. R. Paschall to hold for a term of four years; and the term of office of said trustees to commence from and after the ratification of this act. All vacancies in said board, whether arising from death, resignation, removal, expiration of term or otherwise, shall be filled by the remaining trustees.

Terms of office.

Vacancies.

Trustees incorporated.

Sec. 3. That the said board of graded school trustees and its successors shall be and is hereby constituted a body corporate by the name and style of the Board of Trustees of Wise Graded School, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange or sell the same and exercise such other rights and privileges as are incidental to other corporations.

Corporate name.

Corporate powers.

Board to have exclusive control of schools.

Superintendent.

Sec. 4. That said board of graded school trustees shall have exclusive control of all public schools in said territory; shall prescribe rules and regulations not inconsistent with this act for its own government and for the government of such schools; said board of trustees shall have the power to employ and fix the compensation of a superintendent for both of said graded schools, to require the said superintendent to keep a record of all proceedings of the board of trustees, also to examine all applicants applying for the position of teacher in said graded school. Said board shall have the power to employ and fix the compensation of such teachers as it and the superintendent, upon consideration after examining papers of applicants, shall deem qualified, and to do all such other acts as are necessary to carry on said schools.

Teachers.

Collection of taxes.

Sec. 5. It shall be the duty of the Sheriff of Warren County to collect all taxes belonging to said Wise Graded School District,

levied in pursuance of an election held in said district (parts of Hawtree and Smith Creek Townships), Warren County, in November, one thousand nine hundred and four, and turn over the same to the treasurer of the said Board of School Trustees of Wise Graded School, and all funds apportioned from the county and State or derived from any other source whatever for the use and benefit of said graded schools shall be turned over to the said treasurer of said board for the exclusive use and benefit of Wise Graded Schools.

Apportionment from general funds.

School treasurer.

Bond of treasurer.

Payments of school funds.

Sec. 6. That said board of trustees shall elect a treasurer, who shall hold his office for two years, and he shall give a good and sufficient bond in the sum of five thousand dollars, to be approved and accepted by the said board of trustees, and the same shall be filed and recorded as other county officials' bonds. That the moneys received as aforesaid shall be held by the treasurer, to be disposed of under the direction of said board of trustees, whose warrants, signed by the chairman and two other members of said board of trustees, shall be the only valid vouchers in the hands of said treasurer for the disbursement of said money in any settlement required of him by law.

School funds.

Sec. 7. That the public school money which may from time to time be collected and apportioned under the general school law for general school purposes for the children in said district, and moneys to which said school district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise shall be paid to the treasurer of said board of trustees of said school district, and shall be applied to keeping up said graded schools under the order and direction of the board of trustees of said graded schools. That the property, both real and personal, of the public schools of said district shall become the property of said graded schools, and shall be vested in said board of trustees and its successors in trust for said graded schools: *Provided*, that in case of the discontinuance of said graded schools all the property thereto belonging shall revert to and become the property of said public schools of said district; that the trustees of said graded schools may, in their discretion, permit persons above the school age or who are non-residents of the said district to attend the said schools upon the payment of such reasonable tuition fees as the board of trustees may establish: *Provided*, there shall be accommodations more than adequate for the children of school age within said district.

School property.

Proviso: reversion to public school fund.

Pay pupils.

Proviso: accommodations.

Sec. 8. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 315.

AN ACT TO AMEND CHAPTER 1 OF THE PRIVATE LAWS OF THE STATE OF NORTH CAROLINA, SESSION OF 1885, INCORPORATING THE LAW LIBRARY ASSOCIATION OF CHARLOTTE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section ten of chapter one of the Private Laws of the State of North Carolina, Session of one thousand eight hundred and eighty-five, be amended by striking out all after the word "declare," in line four of said section, and inserting in lieu thereof, as a part of said section ten, the following: "That the provisions of this and the preceding sections of this chapter concerning stock in said corporation shall refer only to what is known as common stock, and all the stock of said corporation heretofore issued and now in force, to-wit, twenty-three shares, shall be deemed and is hereby declared to be common stock, as well as any additional stock not exceeding, with what has already been issued, twenty thousand dollars; and that one share of common stock in the corporation shall entitle the holder to all the privileges of the library as defined and prescribed by the by-laws." Common stock.

Sec. 2. That the following section be and the same is hereby added to said chapter one immediately after said section ten:

"Sec. 11. That the total amount of the authorized capital stock of the corporation shall be forty-five thousand dollars, divided into two hundred and twenty-five shares of the par value of two hundred dollars each, of which twenty thousand dollars, consisting of one hundred shares heretofore and hereby authorized to be issued, shall be common stock, as hereinbefore mentioned; twenty-five thousand dollars, consisting of one hundred and twenty-five shares of the par value of two hundred dollars each, shall be preferred stock; that the executive committee of said corporation, which is hereby invested with all the powers of a board of directors under the general corporation laws of the State, may issue, when and as it may determine, said preferred stock, with a guaranteed cumulative dividend of six per centum per annum, to be paid in equal semi-annual installments on the first days of September and March, respectively, of each year, and said stock shall entitle the holders thereof to receive, and the corporation shall be bound to pay thereon, said guaranteed cumulative dividend, and before any dividend shall be set apart or paid on the common stock: *Provided, however,* that whenever any dividend is paid on the preferred stock, and all prior dividends have been paid, the executive committee, if in its judgment the surplus or net profits, after deducting the amount Capital stock. Common stock. Preferred stock. Powers of executive committee. Proviso: dividend on common stock.

of dividend accrued on the preferred stock during the current year, shall be sufficient for such purposes, shall have power then or thereafter to declare and pay a dividend on the common stock.

Preferred stock redeemable.

Said preferred stock shall be redeemable by the company at the expiration of ten years from the date of the issuance, and the holders of said preferred stock or any part thereof may demand such redemption at their option at the expiration of said ten years; and in case of dissolution, liquidation or distribution of assets of the corporation at any time before the payment of said preferred stock or any preferred dividends thereon, then said preferred stock and dividend or dividends, accumulated or otherwise, shall be paid in full from the assets of this corporation before the common stock now issued or authorized to be issued by this act of incorporation of the company shall participate in the distribution of the assets of said corporation; that all the funds and moneys derived from the sale of any of said preferred stock will be applied by the executive committee of said corporation towards the payment of the purchase money of the lot of land in the city of Charlotte, which has been conveyed to said corporation by L. W. and Harriet N. Sanders, and to pay off any indebtedness incurred in the erection of a building on said lot of land in which the corporation's library is to be kept, and which is to be erected for the use and benefit of the said corporation. The said corporation shall have full power and authority to convey its said real estate by way of mortgage or deed in trust and issue bonds to be secured thereby for the purpose of raising the money with which to finish and complete its said building, and shall have all other powers, rights and privileges granted and conferred upon private corporations by chapter twenty-one of the Revisal of one thousand nine hundred and five of North Carolina and the laws of said State, except in so far as they may conflict with the provisions of this charter."

Preference of preferred stock.

Appropriation of proceeds of preferred stock.

Power to convey property.

Section numbers.

Sec. 3. That section eleven of said chapter one be amended so as to make it section twelve, and section twelve be amended so as make it section thirteen.

Sec. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 316.

AN ACT FOR IMPROVEMENT OF THE SIDEWALKS OF THE TOWN OF ASHBORO.

The General Assembly of North Carolina do enact:

Sidewalks on macadamized streets to be improved by lot owners.

Section 1. That whenever the Board of Aldermen of the Town of Ashboro shall determine to macadamize or to pave any street or streets of the said town, then the owner of any lot on such street so improved or so to be improved, if ordered by the board of aldermen, shall improve, curb, pave or repair in such manner as the board of aldermen may direct such sidewalk so far as it may extend along such lot, with such materials and in such a manner as may be required by the board of aldermen; and all work done under this section shall be done under the strict supervision of the superintendent of streets or of the street commissioner; and on the failure to do as directed within twenty days after the notice by the superintendent of streets or the chief of police to said owner, or if he be a non-resident of the county of Randolph, to his agent, or if such non-resident have no agent in said county known to the board, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the superintendent of streets or the chief of police for ten days in some newspaper published in Ashboro, calling on the owner to make such repairs, the board of aldermen or the superintendent of streets may cause the same to be repaired or improved as directed by the board, and the expense shall be paid by the person in default; said expense shall be a lien upon said lot, and if not paid within two months after completion of the work such lot may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and saving as are prescribed in the sale of land for unpaid taxes: *Provided, however*, that the board of aldermen in order to secure uniformity in the work done, may, after giving ten days' notice in the manner herein prescribed to the owner, have all the work provided for herein done by the city forces or by contract and charge the actual cost of such work to the abutting property, and the said charges shall be a lien as herein provided and collectible as provided above: *Provided further*, that if the property owner should so elect and give notice of the fact in writing to the board within the two months hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent. per annum from the date on which said work is done up to the time when the same shall be due and collectible, and in case of the failure or neglect of any property owner to pay said installment when the same shall be

Work done by town on failure of lot owner.

Notice to owners.

Expense a lien on lot.

Proviso: uniformity in work.

Proviso: cost payable in installments.

due and collectible, then and in that event the said amount of the said installment shall be a lien upon said property as hereinbefore provided and collectible as provided above: *Provided further*, that whenever the said town has had any of said work done, it shall give the owner of the said abutting property ten days' notice of the amount charged against his said property, and if the said owner is dissatisfied with the amount of his said charge, he may give notice to the board of aldermen within the ten days aforesaid that he takes an appeal to the next term of the Superior Court of Randolph County, and shall within five days thereafter serve a statement of facts upon which he bases his appeal. The said appeal shall at the said term of court be tried as other actions at law; and the said owner may in like time and manner appeal from any order or act of the board of aldermen made or done under this section, but said appeal shall not delay or stop the said improvements.

Proviso: appeal by owner from cost.

Trials of appeals.

Penalties.

Sec. 2. In addition to the above provisions, the board of aldermen may adopt ordinances imposing penalties on persons failing or refusing to make the improvements and repairs mentioned in the preceding paragraph after being directed so to do by the board of aldermen.

When act to take effect.

Sec. 3. That this act shall be in force from and after its ratification and the publication of the same or the substance thereof for four successive weeks in some newspaper published in the town of Ashboro, North Carolina.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 317.

AN ACT FOR THE RELIEF OF C. L. COOK, OF THE COUNTY OF WILKES.

Preamble.

Whereas, C. L. Cook, residing in the county of Wilkes and now eighty-two years of age, a native of said county and a physician of sixty years practice, left the State of North Carolina in the year one thousand eight hundred and eighty-two and resided in the State of Nebraska for a period of ten years in the practice of his profession; and whereas, while absent from the State the act of the Legislature of North Carolina of one thousand eight hundred and eighty-five, requiring physicians to obtain license from the Board of Examiners of the Medical Society of North Carolina, as provided by said act, was passed; and whereas, under the provisions of said act of one thousand eight hundred and eighty-five, C. L. Cook would not have been subject to the pro-

visions of said act had he not left the State as herein recited, for the reason that he holds a diploma from a regular medical college and practiced his profession as a physician in this State long prior to the seventh day of March, one thousand eight hundred and eighty-five: now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Dr. C. L. Cook shall be allowed to practice his profession as a physician without being subject to the provisions of section three thousand six hundred and forty-five of the Revisal of one thousand nine hundred and five. Allowed to practice as physician.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 318.

AN ACT TO INCORPORATE THE BLUE RIDGE ASSOCIATION FOR CHRISTIAN CONFERENCE AND TRAINING.

The General Assembly of North Carolina do enact:

Section 1. That L. A. Coulter, F. C. Abbott, G. C. Huntington, A. L. Phillips, J. D. Murphy, C. W. Kent, C. A. Rowland, F. H. Heivitt, G. C. Stall, C. C. Mitchenaur, W. R. Lambreth, W. D. Weatherford, John L. Wheat, Owen Gathright, J. P. Jackson, R. S. Menger, J. A. Patton, J. W. Fisher, S. W. McGee, D. L. Jackson and ..... Thornton, and their associates and successors be and they are hereby created a body politic and corporate by the name of "The Blue Ridge Association for Christian Conference and Training," under which name it shall have perpetual succession, with power to sue and be sued, plead and be impleaded in courts, and to have a common seal which may be changed or altered at pleasure. Corporators. Corporate name. Corporate powers.

Sec. 2. Said corporation shall be and the same is hereby created for religious, missionary, charitable and educational purposes, and for the moral and mental improvement of men and women by promoting and providing for conferences of workers under religious organizations, by providing a training school for such workers, and for the training of the leaders of the missionary departments of the young people's societies of various denominations. Purposes of corporation.

Sec. 3. The principal office of the corporation shall be at some place in Western North Carolina. Principal office.

Sec. 4. All the property, real and personal, and all the rights, immunities and privileges herein granted to said corporation, Control and power of executive committee.

and the management and disposition of the affairs of said corporation shall be vested in an executive committee, composed of the individuals named in the first section of this act as incorporators and their associates and successors in office. The said executive committee shall be composed of not less than twenty-one members, one-third of whom shall be elected by the executive committee at each annual meeting, and shall hold office for the period of three years, or until their successors are elected and have qualified. The twenty-one persons named in section one of this act shall constitute and be the first executive committee of said corporation, and shall serve until their successors are duly elected and qualified.

Election and term of executive committee.

First executive committee.

Successors and vacancies.

Sec. 5. The members of said executive committee are authorized and empowered to elect their successors and to fill vacancies for any unexpired terms, and any failure to elect members of the executive committee shall not work a dissolution of said corporation, but the remaining members, though less than a quorum of said committee, may meet and fill such vacancies. At all times at least three members of such executive committee shall be members or secretaries of the Young People's Missionary Movement, and at least thirteen members of said executive committee shall be members or secretaries of the International Committee of Young Men's Christian Associations, or of State committees of Young Men's Christian Associations. If any vacancy shall occur during the interim of the regular election, it shall be filled by the executive committee. Five members of said executive committee shall constitute a quorum for the transaction of business.

Qualifications for members.

Vacancy.

Quorum.

Other committees, agents and officers.

Sec. 6. Said executive committee may also constitute and appoint such other committees, agents and officers, and designate their powers and duties, and fix their compensation, and make changes, removals, substitutions and new appointments as to said committees, agents, officers, powers, duties and compensation, as it may think best. Until said executive committee shall otherwise direct, said standing officers shall be as follows: President, John A. Patten; Vice-President, J. D. Murphy; Secretary and Treasurer, F. C. Abbott.

First officers.

Business committee.

Sec. 7. The following persons shall constitute the managing or business committee of said corporation, to-wit: John A. Patten, J. D. Murphy, A. L. Phillips, W. D. Weatherford, C. A. Rowland, J. W. Fisher and F. C. Abbott, and shall hold their offices until their successors are duly elected and qualified.

Terms of first executive committee.

Sec. 8. The incorporators or executive committee of said corporation named in the first section of this act shall hold their offices as follows: John A. Patten, J. D. Murphy, F. C. Abbott, A. L. Phillips, W. D. Weatherford, C. A. Rowland and J. W. Fisher until the first Monday in August, one thousand nine hun-

dred and eight, or until their successors are elected and qualified; L. A. Coulter, C. W. Kent, G. C. Huntington, ... Thornton, F. H. Heivitt, G. C. Stall and C. C. Mitchenaur until the first Monday in August, one thousand nine hundred and nine, or until their successors are elected and qualified; W. R. Lambreth, John L. Wheat, Owen Gathright, J. P. Jackson, R. S. Menger, S. W. McGee and D. L. Jackson until the first Monday in August, one thousand nine hundred and ten, or until their successors are elected and qualified. The terms of office of said executive committee or incorporators shall be for three years, the terms of one-third of them expiring each year.

No capital stock nor dividends.

Sec. 9. This corporation shall have no capital stock and shall declare no dividends. The corporation shall exist for charitable, benevolent, educational and religious purposes, and may do any and all things needful, proper and necessary to advance and promote these ends and purposes.

Powers as to property.

Sec. 10. Said corporation shall have power to take, receive and hold absolutely or in trust, for its general uses and purposes, gifts, devises, grants or conveyances, or any kind of real or personal property, and shall have power to lease, bargain, sell or convey real or personal property, and shall have the power to convey by way of mortgage, deed of trust or otherwise any of its real or personal property.

Power to contract debts.

Sec. 11. Said corporation shall have the power to execute and issue and endorse promissory notes, bonds or other evidences of debt, and to secure the same by mortgages or deeds of trust on its real or personal property.

Powers in improving property.

Sec. 12. Said corporation shall have the power to build hotels and improve and develop its real estate by horticulture and agriculture, and may do any and all things necessary and incidental thereto in the way of clearing up its lands and removing and cutting the timber therefrom, and may install and develop water and sewer systems, electric light plants, and may do any and all things to beautify and make attractive its grounds and possessions.

Election of business or managing committee.

Sec. 13. That said executive committee shall elect a business or managing committee annually, in which business or managing committee all the powers, privileges and immunities of said corporation shall vest, and which may exercise the same at any and all times. Until said executive committee shall elect such business or managing committee, the following persons shall constitute such business or managing committee, to-wit: John A. Patten, J. D. Murphy, A. L. Phillips, W. D. Weatherford, J. W. Fisher, C. A. Rowland and F. C. Abbott, who shall hold office as such business or managing committee until their successors are elected and qualified. John A. Patten shall be president of said business or managing committee, J. D. Murphy, vice-president and F. C. Abbott, secretary and treasurer.

First managing committee and officers.

Regulations, ordinances and by-laws.

Sec. 14. Said executive committee of twenty-one persons or said business or managing committee of seven persons shall have the power, and such power is expressly conferred upon them, to make regulations, ordinances or by-laws for the further administration of the affairs of this corporation, and community rules to secure the rights of all interested, to preserve order, protect health and provide for the comfort and general welfare of said corporation and all persons interested therein.

Conservator of peace. Jurisdiction.

Sec. 15. Said business or managing committee shall have power to appoint a recorder as conservator of the peace, who shall have all the powers and jurisdiction of a justice of the peace within the territory of the lands and premises purchased and owned by said corporation, and may also appoint a marshal who shall have all the rights and powers of a constable within said territory, and such recorder and such marshal may summon at any time they may deem necessary citizens and special deputies to preserve order, keep the peace and protect the interests of the said community.

Marshal.

Powers.

Police powers.

Organization.

Sec. 16. The corporation shall be considered organized upon the ratification of this act, without a meeting or further notice, and the officers herein named may exercise the powers herein conferred immediately upon said ratification.

Sec. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 319.

AN ACT TO INCORPORATE THE TOWN OF HOLLYVILLE, IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Hollyville, in the county of Pamlico, be and the same is hereby incorporated and made a municipal corporation by the name and style of Hollyville, with all the powers, rights and privileges conferred upon towns and cities by chapter seventy-three (73) of the Revisal of one thousand nine hundred and five, not inconsistent with the special provisions of this act.

Corporate name.

Corporate powers.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of Williams' Folly on the south side of Vandemere Creek, running a southwardly course to Smith's Creek and up said creek to the public road; thence a westwardly course with J. C. Muse's southwest line one hundred and sixty poles; thence a northeastwardly course to Vandemere Creek,

opposite the Shingle landing; thence down said creek with its various courses to Williams' Folly, the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, four commissioners and a constable or marshal and such policemen as in the judgment of the mayor and commissioners may be necessary for the preservation of the peace and good order in said town; said commissioners are hereby authorized to appoint a mayor *pro tempore*.

Election of marshal and policemen.

Sec. 4. That the marshal or constable and policemen shall be elected by the commissioners, and shall hold office during the pleasure of the commissioners; their salary shall be fixed by said board. The commissioners shall have authority to fill all vacancies on the board of commissioners, the mayor or constable, marshal or policemen.

Election of mayor and commissioners.

Sec. 5. That an election shall be held on the first Tuesday after the first Monday in May, A. D. one thousand nine hundred and seven, and every two years thereafter for the office of mayor and commissioners for said town, under the general State law.

Taxing power.

Sec. 6. That said commissioners are authorized to levy a tax rate in said town, which shall not exceed twenty-five cents *ad valorem* on the one hundred dollars' worth of personal property and seventy-five cents on the poll. The commissioners may also levy such license or privilege taxes upon subjects mentioned in section three of article five of the State Constitution as may be just and reasonable. All persons in said town subject to duty of working on the public roads shall, if required by order of said commissioners, work out their time on the public streets of said town; but they shall not be required to work on the public roads elsewhere.

License or privilege taxes.

Road duty.

Street commissioner.

Sec. 7. The said board of commissioners may appoint one of its number street commissioner, whose duty it shall be to require all persons to work on said streets of said town, under the general road law in operation for the county of Pamlico: *Provided*, that the said commissioners may work the streets of said town in any manner which to them may seem just and proper, and pay for the same out of the public treasury of said town.

Proviso: powers of commissioners as to streets.

Manufacture and sale of liquors forbidden.

Sale and gift of cigarettes forbidden.

Punishment.

Sec. 8. That it shall be unlawful for any person, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors, or to sell or give away manufactured cigarettes within the corporate limits of the said town. Any person violating this section shall upon conviction be fined not less than one hundred dollars, or imprisoned not less than ninety days, or both fined and imprisoned, at the discretion of the court.

Officers named.

Sec. 9. That until the election shall be held, C. A. Flowers shall be mayor, and J. C. Muse, Benjamin Potter, W. H. Holton, D. C. McCarter shall be commissioners, and T. Sawyer shall be marshal of said town.

Stock law.

Sec. 10. That no live-stock of any kind whatsoever shall be permitted to run at large in said town. Any person violating this section shall, upon conviction, be fined not less than five dollars nor more than twenty-five dollars.

Punishment.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 320.

AN ACT TO ABOLISH THE WATER AND LIGHT COMMISSION FOR THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Water and light commission abolished.

Section 1. That sections two, three, four, five, six, seven and eight of chapter forty-one, Private Laws of one thousand nine hundred and three, be and are hereby repealed.

Water, light and sewerage plants controlled by board of aldermen.

Sec. 2. That the water, light and sewerage plants and systems of the city of New Bern shall hereafter be administered and controlled by the Board of Aldermen of the City of New Bern, through such agents and employees as it shall elect under the laws in force before the enactment of chapter forty-one of the Private Laws of one thousand nine hundred and three.

Contracts not affected.

Sec. 3. That the foregoing repeal shall not affect any of the contracts due by or to the Water and Light Commission of the City of New Bern, but all such contracts and duties shall fall upon the said board of aldermen, and all rights and contracts shall subsist to the said board of aldermen in the same manner as they now exist.

Commission to make statements of debts and assets.

Sec. 4. That as soon as practical, the water and light commission shall make a complete statement of its debts and of all debts due to it, and shall render the same to the board of aldermen.

Debts to be discharged.

Sec. 5. That it shall be the duty of the board of aldermen to pay off and discharge all the debts and obligations of the said water and light commission, the same having been incurred in the improvement, extension and operation of the said systems, and for this purpose it is hereby authorized and empowered to issue the bonds of the city of New Bern in such sums as shall be required, not exceeding twenty thousand dollars; which said bonds shall draw interest, payable semi-annually, at a rate not to exceed five per centum, and to mature in not less than ten nor more than fifty years. The said bonds may be issued directly in payment of the said debts, or may be sold at not less than their face value for cash to be applied to the discharge of said debts. And the said

Bond issue authorized.

Amount.

Interest.

Maturity.

Security for bonds.

board of aldermen shall be empowered, as security for the payment of the interest and principal of said bonds, to pledge the income from the operation of the said plants; and if thereafter the said system shall be sold, that the said bonds shall be paid out of the proceeds of the sale.

Bonds for repairs.

Sec. 6. And for the purpose of making repairs and replacing worn-out machinery, the said board of aldermen is empowered to issue bonds of the same character as described in the foregoing section, in a sum not exceeding ten thousand dollars.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 321.

AN ACT TO RE-ENACT THE CHARTER OF THE TOWN OF GERMANTON, IN THE COUNTY OF STOKES.

Preamble.

Whereas, some doubt has arisen as to whether the charter of the town of Germanton, in the county of Stokes, has been forfeited by reason of failure to elect officers; and whereas, it is necessary for the well-being and good government of the town that a municipal government should be maintained: therefore,

The General Assembly of North Carolina do enact:

Laws re-enacted.

Section 1. That all acts of incorporation of the town of Germanton, in the county of Stokes, heretofore enacted by any General Assembly of North Carolina, be and the same are hereby re-enacted.

Town government.

Sec. 2. That the present town government, consisting of mayor and board of town commissioners and town constable, who were elected at the last election for town officers, be and the same are hereby declared valid and lawful officers of said town, until their successors are elected and qualified under the general law of North Carolina.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 322.

AN ACT TO INCORPORATE THE TOWN OF INDIAN TRAIL, IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated. Section 1. That the town of Indian Trail, in the county of Union, be and the same is hereby incorporated and made a municipal corporation by the name and style of Indian Trail, with all the powers, rights and privileges conferred upon towns and cities by chapter seventy-three (73) of the Revisal of one thousand nine hundred and five, not inconsistent with the special provisions of this act.

Corporate name.

Corporate powers.

Corporate limits. Sec. 2. That the corporate limits of said town shall be as follows: All that territory lying and being within a circle, the radius being one-half mile from a point at the center of the road crossing the track of the Carolina Central Railroad at said place.

Town officers. Sec. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable or marshal and such policemen as in the judgment of the mayor and commissioners may be necessary for the preservation of the peace and good order in the town. The said commissioners are hereby authorized to appoint a mayor *pro tempore*.

Mayor pro tempore.

Marshal and policemen. Sec. 4. That the marshal or constable and policemen shall be elected by the commissioners and shall hold office during the pleasure of the commissioners; their salaries shall be fixed by said board. The commissioners shall have authority to fill any vacancy on the board of commissioners, the mayor or constable, marshal or policemen.

Vacancies.

Town elections. Sec. 5. That an election shall be held on the first Tuesday after the first Monday in May, A. D. one thousand nine hundred and seven, and every two years thereafter, for the office of mayor and commissioners for said town, under the general State law.

Taxing power. Sec. 6. That said commissioners are authorized to levy a tax in said town which shall not exceed twenty-five cents *ad valorem* on the one hundred dollars' worth of property and seventy-five cents on the poll. The commissioners may also levy license or occupation taxes upon subjects mentioned in section three of article five of the State Constitution as may be just and reasonable.

License or occupation tax.

Road duty. All persons in said town subject to the duty of working on the public roads shall, if required by order of said commissioners, work out their time on the public streets of the said town. They shall not be required to work on the public roads elsewhere.

Manufacture or sale of liquor forbidden. Sec. 7. That it shall be unlawful for any person, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors, or to sell or give away any cigarettes or cigarette tobacco within the corporate limits of said town. Any person violating

Sale or gift of cigarettes or cigarette tobacco forbidden.

this section shall, upon conviction, be fined not less than one hundred dollars, or imprisoned not less than ninety days, or both fined and imprisoned, at the discretion of the court: *Provided*, that this in no event shall be construed to repeal or alter any liquor law now in force in said county. Punishment.

Sec. 8. That until the election shall be held, J. F. Cander shall be mayor and J. T. Orr, S. H. Crowell and D. J. Hemby shall be commissioners. Officers named.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 323.

AN ACT TO AMEND CHAPTER 26, PRIVATE LAWS OF 1905, AMENDING THE CHARTER OF THE TOWN OF FRANKLIN, IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section thirteen of chapter twenty-six of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by inserting after the word "debt" and before the word "only," in line two of said section, the following: "for purposes other than the necessary expenses of the town." Power to borrow money.

Sec. 2. That section twenty-two of said chapter be and the same is hereby amended by striking out the words "thirty-three and one-third," in line five thereof, and inserting in lieu thereof the word "fifty"; and by striking out the words "one dollar," in line seven thereof, and inserting in lieu thereof the words "one dollar and fifty cents." Tax limit.

Sec. 3. That section twenty-three of said chapter is hereby amended by striking out the word "three," in line nine of said section, and by inserting in lieu thereof the word "five." Commission of tax collector.

Sec. 4. That section twenty-five of said chapter be and the same is hereby amended by adding at the end thereof the following: "The board of aldermen is hereby authorized and empowered to tax and assess at any regular meeting one-half the cost of paving sidewalks and one-third the cost of macadamizing or paving streets against the lands fronting on each side of such street, each property being liable only for such share of the cost of paving or macadamizing that part of such street or sidewalk upon which such property fronts; and for such purpose the board of aldermen shall cause to be kept an accurate account of the cost of such pavement or macadam upon which each property Improvement of streets and sidewalks.

Lien on property. fronts; and the person appointed or directed to keep such account shall report the same to the board under oath, and when found by the board to be correct, it shall be entered in the minutes as a charge against said frontage, and the sums so charged shall be a lien on said property from such time, which lien shall relate back to the time said improvements were begun under an order

Notice to land owners. of the board for such purpose. Said board shall cause notice to be served personally or through the mails upon the owner of such lands charged of the amount of such charge and of the time

Execution to issue. herein provided for the payment of the same, and unless the same shall be paid within thirty days thereafter the clerk of said board shall issue execution against said property charged, di-

Sale under execution. rected to the marshal or chief of police, who shall sell the same after due advertisement, by descending bids, to the person who will pay said charges and costs of sale for the least number of front feet running back at right angles with the street to the

Payment under protest. back of said lot. Any landowner may pay amount so charged against his land under protest and file a statement with the board of aldermen, under oath, that the amount charged is in excess of the share of the costs for which the property is made

Issue returned to superior court. liable by this act; in which case the board shall cause the issue to be transferred to the Superior Court, to be tried as other civil issues, and the town shall return any such excess found to such owner with costs, if the issue is found against it."

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 324.

AN ACT TO AMEND THE CHARTER OF STONE MOUNTAIN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and fifty-eight of the Public Laws of North Carolina of the Session of one thousand eight hundred and ninety-seven, being an act entitled "An act to incorporate the Stone Mountain Railway Company," be and

Capital stock. the same is hereby amended as follows, to-wit: Insert after the word "each," in line three of section two (2), the following: "of which fifty thousand may be preferred and one hundred and fifty thousand common." Strike out the words and figures "fifteen thousand ($15,000)," in lines four and five, and insert in lieu thereof the words and figures "twenty thousand ($20,000)," and insert after the word "completed," in line five, the words "of

which five thousand dollars may be preferred and fifteen thousand common." Amend section four by inserting after the word "select," in the tenth line, the words "and southwardly to the South Carolina line, or to the Atlantic Ocean in North Carolina." Amend section six of said chapter by striking out after the word "exceed," in lines four and five, the words "fifteen thousand ($15,000)," and by inserting in lieu thereof the words "twenty-five thousand ($25,000)." Amend section sixteen by striking out the word "stockholders," in line nineteen, and inserting in lieu thereof the word "directors." Route. Bond issue. Election of president.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 325.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF INTOXICATING LIQUOR IN LAKEVIEW SCHOOL DISTRICT NO. 2, WHITE RACE.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person or persons, firm or corporation to manufacture, sell or otherwise dispose of for gain or remuneration any spirituous, vinous or malt liquors, or any substance, either liquid or solid, that produces or may produce intoxication, inside the boundaries of Lakeview School District Number Two for white race, in Moore County. Prohibition.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 326.

AN ACT TO REGULATE PRIMARY AND OTHER ELECTIONS IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person under the age of twenty-one years, or any person who is a non-resident, to vote or to offer to vote in any primary election held either for the selection of delegates to any convention whatever or for the selection of any candidate for any office whatever. Unlawful voters.

Procuring of illegal voting forbidden.

Sec. 2. That it shall be unlawful for any person to solicit or procure, in any manner whatever, any person under the age of twenty-one years, or who is a non-resident, to vote in any such election or elections enumerated in section one of this act.

Bribery forbidden.

Sec. 3. That it shall be unlawful for any person to buy or offer to buy the vote of any elector or delegate whatever, either directly or indirectly, or to solicit, procure, hire or offer to hire any elector to stay at home or absent himself from the voting place, or in any other way prevent or try to prevent any elector from attending any voting place where an election is to be held for any of the purposes enumerated in section one of this act.

Sale of vote forbidden.

Sec. 4. That it shall be unlawful for any elector or delegate to sell or offer to sell his vote, or agree for any consideration whatever to absent himself or stay away from any polling place.

Sale or gift of liquor forbidden.

Sec. 5. That it shall be unlawful for any person to sell or give away any spirituous, vinous or malt liquors within five miles of any voting place whatever, as enumerated in section one of this act.

Misdemeanor.
Punishment.

Sec. 6. That any person violating any section or sections of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined ten dollars for each offense, one-half to go to the use of the officer or other person prosecuting.

When act to take effect.
Proviso: act may be rejected.

Sec. 7. That this act shall be in force from and after its ratification: *Provided*, that any political party may at any meeting duly advertised reject this act and have an order so written and signed by the secretary and approved by the chairman of such party, and have said order recorded in the office of the Clerk of the Superior Court of such county on the book of orders and decrees. In this event such political party shall not be subject to the provisions of this act.

Sec. 8. That this act shall apply only to Mitchell County.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 327.

AN ACT TO AMEND CHAPTER 175, PRIVATE LAWS OF 1901, SO AS TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LAWRENCE, IN EDGECOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That all of the words in lines four and five of section one in chapter one hundred and seventy-five, Private Laws of one thousand nine hundred and one, be stricken out and the following inserted in lieu thereof: "One and one-half miles

Corporate limits.

square, with the center of the public road in front of J. R. Anderson's store, said store being exactly in the center of said territory, one and one-half miles square as aforesaid."

Sec. 2. Strike out such words and figures in section three of said act as define the time and manner of electing the officers of said town, and add the following: "That beginning with the election of the officers of said town on Tuesday after the first Monday of May, one thousand nine hundred and seven, the authorities of said town shall biennially thereafter order and conduct an election under the rules and regulations prescribed by chapter seventy-three of the Revisal of one thousand nine hundred and five, except as by this act amended; and said officers so elected shall serve for a term of two years, or until their successors are duly elected or appointed and take the oath of office. And that from and after the ratification of this act, section two thousand nine hundred and forty-four of chapter seventy-three of the Revisal of one thousand nine hundred and five shall be ineffectual and inoperative as to the town of Lawrence, in Edgecombe County, North Carolina.

Town elections.

Term of officers.

Sec. 3. In lines three and four of section four strike out the words "in chapter sixty-two of The Code" and insert in lieu thereof "in chapter seventy-three of the Revisal of one thousand nine hundred and five."

Reference changed.

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 328.

AN ACT TO PROVIDE FOR THE ADOPTION OF AN OFFICIAL MAP OF THE TOWN OF KINGS MOUNTAIN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the map of the town of Kings Mountain, North Carolina, within the boundaries thereof as established by law, made by E. L. Campbell, bearing date of February twenty-second, one thousand nine hundred and seven, when approved and adopted by the Mayor and Board of Commissioners of the Town of Kings Mountain at a regular meeting of said board, shall be and constitute the official map of said town of Kings Mountain.

Map official when approved and adopted.

Minute of adoption.

Sec. 2. That upon the adoption of said map by the board of commissioners of said town it shall be the duty of the mayor and the secretary to cause a minute of its adoption, with the date thereof, to be spread upon said map, and to cause the same to be signed by the said E. L. Campbell and the said mayor and secretary in their official capacities, and the said mayor shall acknowledge the same before some notary public of Cleveland County, and shall cause the same to be recorded in the office of the register of deeds, both in Cleveland and Gaston Counties.

Prima facie evidence.

Sec. 3. That upon the compliance with the provisions of sections one and two of this act, the said map shall be *prima facie* evidence of the true location of all streets, corners, squares, lines and boundaries contained within the corporate limits of said town, and shall be received as *prima facie* evidence thereof by all the courts of this State in all matters and disputes concerning the same, and the copy thereof upon the books of the register's office of Cleveland or Gaston Counties shall be received in evidence to the same extent as the original copy of said map.

Copy received in evidence.

Copy to be inserted in book and kept open for inspection.

Sec. 4. It shall be the duty of the town clerk or secretary to cause a copy of said map to be inserted in a book to be kept for that purpose, which said book shall be at all times open for the inspection of any citizen of said town of Kings Mountain; and said clerk or secretary shall cause a copy thereof to be spread upon the minutes of the board of commissioners of said town.

Streets, alleys and sidewalks condemned.

Sec. 5. That all the streets, alleys and sidewalks, as shown by the map in this act provided for, shall upon its adoption as aforesaid be deemed to be condemned, whether the same shall have actually been laid out or not; and any person building on or in any wise improving any of said streets, alleys or sidewalks as shown by said map, shall do so at his or her peril, and the authorities of said town in such case shall have and they are hereby given the authority to cause said buildings or improvements to be removed from such streets, alleys or sidewalks, and shall only be liable for damage to the real estate in question, but none on account of the buildings or improvements thereon.

Removal of encroachments.

Sec. 6. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 7. This act shall be in force on and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 329.

AN ACT TO INCORPORATE WILMINGTON, PENDER, DUPLIN AND SAMPSON RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Bradley L. Eaton, J. L. Camp, P. D. Camp, R. J. Camp, E. M. Wiley, John A. Arringdale, their associates, successors and assigns are hereby created a body politic and corporate, with perpetual succession, under the name and style of Wilmington, Pender, Duplin and Sampson Railroad Company, and under that name may sue and be sued in any court of the State of North Carolina or elsewhere; may have and use a common seal; may acquire by purchase, gift, devise, lease or otherwise, any real, personal or mixed estate, and lease or sell the same as the interest of the company may require; may acquire, own, operate or lease any quarries, mines, forests, lumber yards or furnaces, also steamships, docks, wharves, lighters, barges, tugs, steamboats and vessels; may lease, buy or construct telegraph and telephone lines along or near its right-of-way and charge tolls under such rules and regulations as are prescribed by the laws of this State, or at the option of its board of directors may lease or rent these privileges to other corporate bodies or persons; may build branch roads not extending more than fifty miles each from any point on its main line; may change the name of said company by a vote of a majority of its stockholders at a regular or special meeting, and may make all such by-laws for the government of said company as may be deemed proper and are not inconsistent with law.

Corporate name.

Corporate powers.

Capital stock.

Sec. 2. That the authorized capital stock of said company shall be one hundred and twenty-five thousand dollars, with the privilege of increasing the same to one million dollars, provided taxes are paid upon such increase as provided by law, to be divided into shares of one hundred dollars each. That said capital stock may be subscribed for and paid in money, lands, mines, mineral property, materials, bonds, timber, labor, depot or terminal facilities, franchise, rights-of-way, water craft or otherwise as may be agreed upon between the subscriber or subscribers and the said company.

Payment of subscriptions.

Books of subscription.

Sec. 3. That books of subscription to the capital stock of said company shall be opened by the corporators or a majority of them, acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe. That as soon as ten thousand dollars has been subscribed *bona fide* to the capital stock, the said company shall be authorized to commence operations and to exercise all the rights, powers, privileges and franchises granted by this act, and said corporators or a majority of them, acting in person or by proxy, shall be authorized to call a

Company to commence business.

Meeting for organization.

meeting of the stockholders for the purpose of organization at such place or places as they may deem advisable, giving ten days' notice thereof in some newspaper published in Wilmington; and at such meeting and at each annual meeting thereafter a board of not less than seven directors shall be elected by the stockholders. That said board of directors shall hold office for one year and until its successors are elected, and shall appoint a president, vice-president and such other officers, agents and employees as it may deem proper and fix their duties, and may fill any vacancy occurring in the office of director, president, vice-president or other officer.

Notice of meeting.
Directors.
Term of directors.
President and other officers.

Sec. 4. That after the organization of said company the president and board of directors may again from time to time open books of subscription to the capital stock of said company at such times and places and under such rules and regulations as they may prescribe. No stockholder shall be responsible for any amount greater than his unpaid subscription.

Supplemental subscriptions.
Liability of stockholders.

Sec. 5. That said company shall have the power to locate, construct, equip, maintain and operate a railroad for the transportation of freight, passengers, mail and express from or near Wilmington, New Hanover County, North Carolina, on Cape Fear River, thence in a northerly direction through New Hanover, Pender, Duplin and Sampson Counties to or near the town of Clinton, North Carolina, as shall be determined by said board of directors, and to build branch roads as it may determine.

Power to construct and operate railroad.
Terminals and route.
Branch roads.

Sec. 6. That said company may build its said railroad and branch roads as may be deemed most advantageous and expedient, and it shall have all the powers and privileges contained in volume one, chapter forty-nine of The Code of North Carolina, and all of the acts of the General Assembly of North Carolina amendatory thereto.

Powers under general law.

Sec. 7. That said company shall have the right to cross at grade, or over, or under, intersect, join or unite its railroad with any railroad now built or constructed, or which may be hereafter built or constructed within the State of North Carolina, at any point of its main line or branches, with the necessary turnouts, sidings, switches and other conveniences, and when necessary to use the rights-of-way of other roads when the same are not occupied with tracks or buildings.

Rights in connection with other railroads.

Sec. 8. That when any right-of-way may be required by the company for the purpose of constructing its railroad and branches, and for want of agreement for any cause it can not be purchased from the owner, the same may be condemned in accordance with volume one, chapter forty-nine of The Code of North Carolina, and all the acts of the General Assembly of North Carolina amendatory thereof, to the extent of fifty feet on each side of the track of the said railroad and branches, measuring from the center of the same. And the company shall have the power to ap-

Power to condemn land.

propriate and condemn land in like manner for the building and erection thereon of depots, warehouses, shops and houses for servants, employees and other purposes, not exceeding five acres in any one lot or place.

Power to borrow money.

Sec. 9. That said company shall have the right to borrow money, when so authorized by its board of directors in general or special meeting assembled, and to issue coupon bonds at a rate of interest not exceeding five per cent., and to secure the payment of the same by mortgage or deed of trust or trust agreement with any bank, trust company or corporation on its property, franchises and effects, or otherwise. And should said company issue second mortgage bonds as hereinafter provided, then in that event it shall not issue first mortgage bonds exceeding twelve thousand dollars per mile of its main road and branches.

Limit on first mortgage.

Power to operate parts of line.

Sec. 10. That the said company may begin work upon any point of its line, and upon the construction of any part or portion thereof may operate and maintain such part or portion with all the rights, powers and privileges hereby granted to this company. That it may, under such purchase, lease, agreement or running arrangement as it can make with any other railroad company, operate any railroad as a link between different portions of its own line.

Interchange and prorates of tariff.

Sec. 11. It shall be compulsory with the Wilmington, Pender, Duplin and Sampson Railroad Company and all other railroads with which it connects to interchange traffic in a prompt manner, to prorate on a mileage basis, unless by mutual arrangement with the managers of railroads in North Carolina to make the divisions of rates otherwise, on all business originating at or destined within the borders of the State; and routing orders of consignees by all transportation lines shall be respected. That all railroad companies shall switch cars to and from industries, loading or unloading tracks, warehouses and other places for handling freight for each other within any city limits, or three miles from same, for not more than two dollars per loaded car. Empty cars shall be handled free, and no railroad company shall make a higher switching charge for one railroad than it does for another.

Switching charges.

Second mortgage bonds.

Sec. 12. That for the purpose of aiding in the construction of the Wilmington, Pender, Duplin and Sampson Railroad Company, the board of directors of said company shall have the power in general or special meeting to issue coupon bonds to an amount not exceeding three thousand dollars per mile upon the said railroad and its branch roads, bearing interest at the rate of six per cent., payable semi-annually, the principal of said bonds to be made payable thirty years from the date of issue, and to secure the payment of said bonds and interest by a second mortgage or deed of trust on its property, franchises and effects or otherwise. That it shall be lawful for any county, township, city or town in or through which the said road or its branches may be located, or which may be interested in its construction, to subscribe to the

Counties, townships and municipalities to subscribe to second mortgage bonds.

said second mortgage bonds of said railroad company in such sums as a majority of the qualified electors of any such county, township, city or town may authorize, anything contained in the charter of any such city, town or other corporation to the contrary notwithstanding. That the said subscription shall be made in coupon bonds bearing interest at five per cent., payable semi-annually, and the principal of said bonds to be due and payable thirty years from time of issue, the said bonds to be received by said railroad company at par; and upon receiving the same the said railroad company shall deliver to such counties, townships, cities or towns as shall subscribe a like amount of its second mortgage bonds in exchange therefor. All of said bonds to be in denominations of one hundred dollars each.

Subscriptions.

Denomination of bonds.

Petition for calling election.

Sec. 13. That for the purpose of determining the amount of such subscription, it shall be the duty of the county commissioners of any county in which the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, or the board of aldermen or the board of commissioners or other municipal authorities of any city or town in or through any part of which city or town the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, upon the written application of fifty tax payers of any such county, or thirty in any township, city or town, specifying therein the amount to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No Subscription" to the second mortgage bonds of said railroad company. And said board of county commissioners, board of aldermen, board of commissioners or other municipal authority of such city or town, as the case may be, shall order an election, specifying the time, place and purpose of the election, and shall provide for the holding of the same as is now provided for the holding of elections for members of the General Assembly, except as is hereinafter provided for the said election in any city or town. That at said election ballots shall be provided, upon which shall be printed or written the word "Subscription," and also ballots shall be provided, upon which shall be printed or written the words "No Subscription"; and said board of county commissioners, board of aldermen or board of commissioners or other municipal authorities of such city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, shall give public notice of said election, not exceeding sixty days immediately prior thereto, in one or more newspapers published in the county in which such election is to be held, and if there be no newspaper published in such county, then in some newspaper published in the county nearest thereto, and also at the

Election ordered.

Law governing election.

Ballots.

Notice of election.

court-house door of such county, that such an election will be held upon the day therein named. That a new registration may be ordered in accordance with law by such board of county commissioners, board of aldermen, board of commissioners or other municipal authority, as the case may be, of the qualified voters of said county, township, city or town, for the said election. New registration may be ordered.

Sec. 14. That all elections under the preceding section shall be held, if for a county or township, according to the law and regulations provided for the election of members of the General Assembly; and if the election shall be held for a county, the returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make a record of the same. If the election shall be for a township, the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result and make a record of the same. If the election shall be for a city or town, it shall be conducted as elections for municipal officers, and the mayor and aldermen, or town commissioners or other municipal authorities of such city or town shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in such county, township, city or town, as the case may be, shall have voted for "Subscription," then the chairman of the board of county commissioners in all cases of county or township elections, and the mayor or other chief officer in all cases of city or town elections, shall within twenty days after the vote is ascertained subscribe to the second mortgage bonds of said railroad company in behalf of said county, township, city or town, as the case may be, the sum that may have been named in the said petition; which subscription shall be made in coupon bonds bearing interest at the rate of five per cent., payable semi-annually, and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon the taxable property in such counties, townships, cities or towns. Law governing election. County returns. Township returns. Law governing elections in cities or towns. Result of election.

Sec. 15. That to provide for the interest on said bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or the board of aldermen, or board of commissioners, or other municipal authorities aforesaid subscribing shall, in addition to other taxes, each year compute and levy on all property of any such county, township, city or town as may make a subscription of bonds to the said second mortgage bonds, preserving the constitutional equation of taxation, a sufficient tax to pay such interest and an additional tax sufficient to provide each year a sum equal to one-thirtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as the other taxes are and paid to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer, as commissioner of sinking Special taxes. Sinking fund.

Investment of sinking fund.

fund, and by him invested in said bonds, which shall be cancelled by the county commissioners or the municipal authorities of the city or town, as the case may be; but in case said treasurer or other officers shall be unable to invest the sinking fund herein provided for in said bonds at or about par value, he shall invest the same in solvent bonds or securities as may be selected and approved by the county commissioners aforesaid or the proper authorities of any city or town, as the case may be, subscribing to the second mortgage bonds of said railroad company.

Townships incorporated.

Sec. 16. That for the purpose of this act all the townships along the line of said railroad and its branches, or which are interested in its construction, are hereby declared bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any right or cause of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties respectively.

County commissioners corporate agents.

Convict labor.

Sec. 17. That the State, county and city convicts may be used in the construction of the said railroad and its branches in such numbers and at such times as may be agreed upon by the proper authorities in charge of said convicts and by said railroad company. The payment for such labor shall be made monthly.

Limit on power of sale, lease or merger.

Sec. 18. The Wilmington, Pender, Duplin and Sampson Railroad Company shall not be sold, leased, merged or transferred to any other corporation that is now or may be hereafter constructed, that is now or hereafter may be competitor, during the period that the State or any county, township, city or town shall hold seventy-five per cent. of the second mortgage bonds of said railroad company. Only a sufficient amount of the said six per cent. second mortgage bonds shall be issued in the construction, purchasing and equipment in exchange with the State of North Carolina, the various counties, townships, cities and towns, for labor performed or bonds subscribed for, not to exceed three thousand dollars per mile of said railroad and its branches.

Limit to second mortgage bonds.

Construction to begin.

Sec. 19. That the construction of the said railroad under this act of incorporation shall be commenced within five years after the ratification of this act.

Sec. 20. This act shall take effect and be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 330.

AN ACT TO INCORPORATE THE DEEP AND FORNEY'S CREEK RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That C. J. Harris, W. H. Woodbury, D. R. Harris and S. W. Enloe and such other persons as are now or may hereafter be associated with them and their successors, be and they are hereby created and declared to be a body politic and corporate to exist for the term of sixty years under the name and style of the Deep and Forney's Creek Railroad Company, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with. Said company shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift or any other lawful way property, real, personal or mixed, necessary or convenient for the construction, maintenance or operation of its road or roads, and holding leasing or in any other way dealing with the same; and said company shall also have and enjoy all the rights, privileges and immunities which similar corporate bodies may exercise and enjoy, and may make ordinances, by-laws and regulations, consistent with this act and the laws of this State and the United States, for the government of all under its authority, for the management of its estates and for the due and orderly conduct of its affairs. Corporators. Corporate name. Corporate powers.

Sec. 2. That said company, upon its organization as hereinafter provided for, shall have power to survey, lay out, construct, equip, maintain and operate a railroad or railroads of standard or other gauge, with one or more tracks, from any point along or near the Murphy Division of the Southern Railway, in Swain County, at or near the mouth of Forney's Creek and at or near the mouth of Deep Creek, and running up the waters of either or both of said creeks and through said county of Swain toward, in the direction of and to the Tennessee State line, and also into the counties of Jackson, Graham and other adjoining counties and territory, by such route or routes as the directors of said company may determine, and may also build and operate extensions and branch roads of either standard or other gauge from any point on its main line or lines, and for this purpose shall have all the powers, privileges and rights contained in this act, which are hereby made to apply to such extensions and branch roads as well as the main line or lines; and said company may build one main line, beginning at or near the mouth of Forney's Creek and extending as aforesaid, and another beginning at or near the mouth of Deep Creek and extending as aforesaid, which lines may intersect at such point or points as its board of direc- Power to build and operate railroad. Termini and routes. Branch roads. Main lines.

tors may determine; or one of said lines may extend to the Tennessee line, while the other may extend into Jackson and adjoining counties and adjoining territory in this State.

Further powers.

Sec. 3. That for the purpose of surveying, locating, laying out, building, constructing, maintaining and operating said line or lines of railroad or railroads, or branches and extensions thereof, the said company is hereby empowered: First. To cause such examinations and surveys to be made as shall be necessary to the selection and location of the most advantageous route or routes, and for such purpose its officers and agents, servants and employees may enter upon the land or lands or waters of any other person or persons. Second. To take and hold such voluntary grants of real estate or other property as may be made to it to aid in the construction, maintenance and accommodation of its road or roads. Third. To acquire, purchase, hold and use all such real estate and other property as may be necessary and proper for the construction, maintenance or operation of its road or roads, stations, terminal facilities, power and electric plants and all other accommodations, and to condemn, lease or buy land necessary for its use aforesaid; and to have and enjoy all the privileges and benefits of chapter sixty-one, volume one, of the Revisal of one thousand nine hundred and five, in respect to the acquisition of land by condemnation. Fourth. To lay out its road or roads, not exceeding one hundred feet in width, and to construct the same, and for the purpose of cuttings and embankments to take as much land as may be necessary for the proper construction, maintenance, operation and security of said road or roads; to cut down any trees that may be in danger of falling on its tracks or of obstructing the right-of-way, making compensation therefor as is provided by law. Fifth. To construct its road or roads across, along or upon, or to use any stream of water, water-course, street, road, highway or canal, which the route or routes of the said road intersect or touch: *Provided*, no railroad shall be constructed along or upon any street without the consent of the municipal authorities: and, *Provided*, that it shall not obstruct or use any public road or highway without first constructing one equally as good for the public as the one taken by the company, and which road shall first be accepted by the proper authorities. Sixth. To cross, intersect, join or unite its railroad with any railroads heretofore constructed or hereafter to be constructed at any point on its route, or upon the ground of any other railroad company, with the turnouts, sidings, switches and conveniences necessary in the construction, maintenance and operation of its road. Seventh. To take, convey or transport persons, freights or property, mail or express, over its railroads, including main or branch lines, by the use of any steam, electricity or other mechanical power, and to re-

In making surveys.

In holding property.

In acquiring property and condemning land.

Rights under general law.

In laying out and constructing road.

Further rights in constructing road.

Proviso: streets.

Proviso: obstruction of roads.

In crossing and joining other roads.

ceive compensation therefor, and to do all things incident to a railroad business. Eighth. To build and operate telegraph and telephone lines on its right-of-way or any part thereof, and to charge and receive compensation for the transmission of messages over its lines. Ninth. To erect and maintain convenient buildings, warehouses, stations, fixtures and machinery for the reception, accommodation and use of its passengers and freight and for its business purposes. Tenth. To regulate the time and manner in which passengers and property shall be transported and the compensation to be paid therefor, subject to the laws of the State governing such matters. Eleventh. To furnish and equip said railroad with all necessary rolling stock; build, construct and maintain tanks and reservoirs necessary to furnish water to its engines and for other purposes incident to its business; to build, construct, maintain and use dams, flumes and electric plants for the purpose of generating motive power to run its trains and cars for carrying passengers, freights, mails and express, if its board of directors shall so determine. Twelfth. To borrow such sums of money upon such time and at such rate of interest, not inconsistent with existing laws governing rates of interest, and upon such terms as its board of directors may determine, and may make all such obligations and contracts, not prohibited by law, as may be necessary to secure the payment of the same, principal and interest, and to make and enter guaranty of the payment of either principal or interest or both; and for this purpose, if necessary, and with the consent of the stockholders, to issue coupon or registered bonds, in such denominations, bearing such rate of interest and payable at such time and place as said board may direct; and to secure the payment of said bonds said company may execute one or more mortgages or deeds of trust on all or any part of its railroads and appurtenances, property, franchises and privileges in such manner and form as such board of directors may determine; and the due registration of any such mortgage or deed of trust in the county where the property lies shall be a lien upon the property and franchises conveyed therein. And the board of directors of said company may sell, hypothecate or otherwise dispose of said bonds, or any other of its stock, bonds or sureties.

Telegraph and telephone lines.

Buildings.

Schedules and rates.

Furnishings and equipments.

Power to borrow money and make contracts.

Sec. 4. That the capital stock of said company shall be one hundred thousand dollars in common stock or preferred stock, or partly in each, as a majority of the stockholders may determine, with power to increase the capital stock from time to time, by a majority vote of the stockholders, to two hundred thousand dollars: *Provided*, such increase in the capital stock shall not be effective and that no stock shall be issued upon such increased capital stock until the fees prescribed in chapter twenty-one of the Revisal of one thousand nine hundred and five and acts

Capital stock.

Proviso: fees on increase.

amendatory thereof shall have first been paid by it upon such increased capital stock, and a certificate to this effect issued to it by the Secretary of State (which certificate shall be recorded in the Secretary of State's office and upon the minute books of said company, and either the original or a certified copy from the office of the Secretary of State shall be competent in evidence). The stock of said company shall be divided in shares of one hundred dollars each, for which, when fully paid, certificates shall be issued which shall be non-assessable, and each share shall entitle the holder to one vote in all stockholders' meetings, and no stockholder shall be liable for the debts of the corporation beyond his unpaid subscription; that the stock may be transferred on the books of the company in such manner as may be prescribed in its by-laws.

Shares of stock.

Liability of stockholders.

Books of subscription.

Sec. 5. That the incorporators mentioned in this act, or a majority of them, shall have power to open books of subscription in person or by agent or agents at such time or times, place or places and under such conditions, rules and regulations as they or such majority may deem necessary or expedient; and said incorporators or a majority of them may, when ten thousand dollars shall have been subscribed, and when they or such majority may deem proper, call together the subscribers to such shares of stock at any place in or out of the State, and said subscribers or such of them as shall attend may then complete the organization of the said company by electing a board of directors to consist of such number as they may determine and such officers as they may see fit, said board to consist of not less than three members, and by adopting by-laws and doing any and all other matters and things that may be necessary to fully complete the organization of said company; that the board of directors of said company, upon its election, or as soon thereafter as possible, shall proceed to elect one of its number president, and to elect such other officers as the by-laws of the company may prescribe, and to appoint such agents as it may deem expedient, and may do any and all other things which may be necessary or convenient to complete the organization of said company and to carry into effect the objects of this act.

Organization.

Directors and officers.

President and other officers.

Payment of subscription.

Sec. 6. That subscription to the capital stock of the said company may be made in money, land or other property, bonds, stock, credits, contracts, leases, options, moneys, minerals or mineral rights or mineral or timber lands, rights-of-way or other rights of easement, labor, services or any other thing of value, in such manner and upon such terms as the president and board of directors of said company may agree; and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors so to do, said board may declare his stock forfeited, as well as all previous payments thereon, to

Collection of subscriptions.

the benefit and use of the said company; but before so declaring it forfeited, said stockholder or subscriber shall have served upon him a notice in writing, in person or by depositing said notice in the post-office (post-paid) directed to him at the post-office nearest his usual abode, stating that he is required to make such payment in sixty days from the date of the said notice, at such time and place as is therein named; said notice shall be served or mailed sixty days prior to the day on which payment is required to be made. Notice to delinquents.

Sec. 7. That a meeting of the stockholders shall be held annually at such time and place as may be prescribed in the by-laws; that notice of the annual meetings shall be given to the stockholders in the manner to be prescribed in the by-laws: *Provided*, that the principal office of the said company shall be within the State. Meetings of stockholders. Notice. Proviso: principal office.

Sec. 8. That a general meeting of the stockholders may be held at any time upon the call of the board of directors, or of the stockholders holding together one-fourth of the capital stock, upon their giving notice of the time and place of such meeting for ten days in some newspaper or newspapers to be designated in the by-laws for this purpose, and by mailing to each stockholder at his post-office address of record written notice of such meeting ten days prior thereto. At such general meeting of the stockholders all the powers of the company may be exercised, and any business transacted that might be transacted at the annual meetings. Called meetings. Notice.

Sec. 9. That the election of directors shall be by ballot, and shall be held at the annual meeting unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting or until their successors are duly elected and assume their duties. The board may fill any vacancies which may have occurred in it during the term for which its members have been elected. That the president of the company, and such other officers as may be prescribed by the by-laws, shall be annually elected by the directors from among their number in such manner as the regulations of the company may provide, and shall hold their offices until their successors shall be elected and assume their duties. The secretary and treasurer shall also be elected by the board of directors, and may be one and the same person. The board of directors may appoint from among its number an executive committee, which may perform such duties as are set forth in the by-laws or expressly delegated to it by the board of directors. Meetings of the board of directors and the executive committee may be held within or without the State. Election of directors. Term of office. Vacancies. Election of president and other officers. Secretary and treasurer. Executive committee. Meetings of directors and executive committee.

Sec. 10. That this company may begin work on any part of its road which its board of directors may determine, and shall have Beginning of work.

Use of sections. power to use any section or portion of its road or other lines before the whole of the same shall have been completed.

Power of president and directors. Sec. 11. That the president and directors of the said company shall have the right and power to make such contracts and expenditures as may be necessary for the construction and operation of its railroad and business.

Powers under general law. Sec. 12. That said company shall enjoy all the benefits and be subject to the provisions of sections two thousand five hundred and seventy-five to two thousand five hundred and ninety-eight, inclusive, of the Revisal of one thousand nine hundred and five.

Powers under general law. Sec. 13. That the said company shall be subject to and have all the rights, powers, privileges and immunities of chapter sixty-one of the Revisal of one thousand nine hundred and five and acts amendatory thereof.

Sec. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 331.

AN ACT TO AUTHORIZE THE CITY OF RANDLEMAN TO ISSUE BONDS AND LEVY A SPECIAL TAX FOR STREET IMPROVEMENT.

The General Assembly of North Carolina do enact:

Issue submitted to voters. Section 1. That the Board of Aldermen of the City of Randleman is hereby authorized to submit to the qualified voters of said city at an election hereinafter provided for the question of

Amount. issuing bonds, not to exceed the sum of twenty-two thousand five hundred dollars, and of levying and collecting special taxes as hereinafter provided for the payment of the interest and principal

Purpose of issue. of said bonds, for the purpose of working, improving and macadamizing the streets of the said city, and of discharging any obli-

Denominations. gations heretofore incurred in that behalf. The denominations of the said bonds shall be not less than one hundred dollars nor

Interest. more than five hundred dollars; and the said bonds shall bear interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached, payable semi-annually at such time or times and at such place or places as may be deemed advisable by the said board of aldermen; said bonds to be of such form and tenor and transferable in such

Maturity. manner, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the said board of aldermen may

determine and designate in said bonds. The bonds and coupons shall be numbered, and the bonds shall be signed by the mayor and countersigned by the treasurer of said city, and a record shall be kept of all such bonds, showing the number and amount and to whom issued. That none of said bonds shall be sold or disposed of for less than their par value. Authentication.

Sec. 2. That the proceeds arising from the sale or disposition of the said bonds shall be used by the said board of aldermen for the purpose of paying such outstanding obligations of the said city as have been incurred for the improvement of the streets of the said city, and the balance left after the payment of said obligations shall be used for the exclusive purpose of improving, working, changing and macadamizing the streets of the said city. Appropriation of proceeds.

Sec. 3. That the said interest coupons shall be receivable in payment of all taxes and other public dues of the city of Randleman for any fiscal year in which said coupons shall become due, or at any time thereafter; and if any holder of any of said bonds or coupons shall fail to present the same for payment at the time or times or the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity. Coupons receivable for taxes.

Sec. 4. In order to pay the interest on said bonds, the board of aldermen of the said city is hereby authorized and it shall be its duty to annually assess and levy, at the time of levying other taxes of the said city, a particular tax on all persons and subjects of taxation within the limits of the said city on which the said board of aldermen is now or shall hereafter be authorized to lay and levy taxes for any purpose whatsoever, and said particular tax shall not be more than twenty-five cents on the one hundred dollars' assessed valuation of the property and not more than seventy-five cents on each taxable poll. The said tax shall be collected at the time the other taxes of the city are collected, and shall be paid over by the collector to the treasurer of the city. Tax for interest on bonds. Tax limit. Collection of tax.

Sec. 5. That the taxes levied and collected for said purpose shall be kept separate and distinct from all other taxes or moneys, and shall be used only for the purposes for which they are levied and collected. Tax kept separate. Specific appropriation.

Sec. 6. For the purpose of creating a sinking fund with which to pay the principal of the bonds provided for in section one aforesaid, issued under this act, it shall be the duty of the said Board of Aldermen of the City of Randleman, beginning ten years before the date on which the said bonds shall become due and payable as to the principal thereof, to annually levy and collect a special tax in addition to that provided for in section four of this act; and the tax provided for in this section shall equal in amount one-tenth of the amount of bonds issued under section Tax for sinking fund. Tax rate.

one of this act; and whenever the amount of taxes under this section, together with the interest accumulated from the investment thereof, provided for in section seven of this act, shall be sufficient to pay off the principal of all outstanding bonds issued under this act, then the said board of aldermen shall cease to levy taxes for this said sinking fund.

Investment of sinking fund.

Sec. 7. That it shall be the duty of the said Board of Aldermen of the City of Randleman to annually invest any and all money arising from said special or particular tax collected under section six of this act in the purchase of any of said bonds at a price deemed advantageous to the said city by the said board of aldermen; but in case said bonds cannot be purchased as herein provided, the said board of aldermen may lend said sinking fund or any part thereof, in such sums as it may deem proper, for a length of time not exceeding beyond six months prior to the date of the maturity of the said bonds, taking as security for the payment thereof and for the payment of interest thereon mortgages or deeds in trust on sufficient real estate; or bonds issued under this act may be taken as collateral security for such loan. The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of the Board of Aldermen of the City of Randleman, and shall bear the legal rate of interest, payable annually; and in case the board of aldermen for the said city shall not be able to invest any or all of said money annually, as directed above, it may, and it shall be its duty to cause such part as it is unable to invest as above directed to be deposited with some National or State bank, trust company or safe deposit company of undoubted solvency at the best obtainable rate of interest; and any and all interest arising from the investments, as above directed, shall be re-invested in the manner as above provided. But any mayor or aldermen of said city, who shall be personally interested, directly or indirectly, in any loan, shall be guilty of a misdemeanor.

Mayor or alderman not to be interested.

Date of election.

Sec. 8. That the provisions of sections one, four and six of this act shall be submitted to a vote of the qualified voters of the city of Randleman at an election to be held on the first Tuesday after the first Monday of May, one thousand nine hundred and seven, unless the board of aldermen of the said city shall designate a later date for the holding of the said election, which it is hereby empowered to do; and the said board of aldermen shall cause said election to be held at such time, and it shall cause a notice of said election, containing a copy of sections one, four and six of this act, or a synopsis thereof, to be published in some newspaper of said city or of Randolph County, for two weeks prior to such election. The board of aldermen of said city shall cause a new registration of the voters of said city to begin on the fifth Monday before the election, and to continue until twelve

Notice of election.

New registration.

o'clock M. of the Saturday before the election; and the said board of aldermen shall give at least ten days' notice of the fact that there will be a new registration of the voters of the said city by advertisement posted at four public places in the city of Randleman, beginning that length of time before the registration books shall open. And in all other respects said election shall be held and conducted under the provisions of law regulating municipal elections in the said city: *Provided*, that the board of aldermen shall have the power and authority to determine and fix the number and location of the polling places or place in said city, regardless of wards or ward boundaries; but notice of any change in polling places or place shall be given by advertisement for ten days at four public places in the city of Randleman. Those qualified voters approving the issue of bonds as provided in section one, and the levy and collection of the particular taxes provided in sections four and six of this act, shall deposit a ballot containing the printed words "For Streets," and those disapproving the same shall deposit a ballot containing the printed words "Against Streets." If a majority of the said voters shall vote for streets, it shall be deemed and held that a majority of the qualified voters of said city are in favor of granting to the said board of aldermen the authority to issue said bonds and to levy said special or particular taxes, and the said board of aldermen shall have such authority. But if a majority of said voters shall vote against streets, then said board of aldermen shall not have such authority. The result of said election, duly ascertained in accordance with law, shall be enrolled upon the public records of the city of Randleman; and after thirty days from the date of the election the same shall be deemed and held conclusive evidence of the truth of the facts therein recited and not open to attack: *Provided*, that if a majority of the qualified voters shall fail to vote in favor of issuing said bonds and of levying said particular or special taxes, said board of aldermen shall have the power and authority to call another election at any time after thirty days from the former election; and if at such election a majority of the qualified voters of said city of Randleman shall vote for streets, it shall have the same force and effect as if no election had been previously held: *Provided further*, that no election shall be held under the provisions of this act after the expiration of the year one thousand nine hundred and eight.

Notice of registration.

Law governing elections.

Proviso: polling places.

Notice of change in polling places.

Ballots.

Effect of vote.

Record of result.

Proviso: subsequent election.

Proviso: expiration of power.

Sec. 9. That all laws and clauses of laws in conflict with this act or any of its provisions are hereby repealed.

Sec. 10. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 332.

AN ACT FOR THE RELIEF OF MISS ADELAIDE BULGIN AND SILAS J. DEAN, PUBLIC SCHOOL TEACHERS OF DISTRICT NO. 1, FRANKLIN TOWNSHIP, MACON COUNTY.

The General Assembly of North Carolina do enact:

To be paid balances.

Section 1. That the Treasurer of the Board of Education of Macon County be and he is hereby authorized and empowered to pay Miss Adelaide Bulgin the sum of seventeen and seventeen-hundredths dollars ($17.17), and to Silas J. Dean the sum of fourteen and fifty-hundredths dollars ($14.50), being the balance due said persons for teaching a public school in District Number One, Franklin Township, for the school year one thousand nine hundred and six and one thousand nine hundred and seven. Said payment shall be made out of the school funds of said county of Macon for the school year one thousand nine hundred and seven and one thousand nine hundred and eight.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 333.

AN ACT TO INCORPORATE THE BOARD OF TRUSTEES OF THE STANLEY-McCORMICK SCHOOL.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That L. D. Gelespie, C. L. McPheters, A. B. Bryan, J. L. Ray, J. M. Lyon, J. E. Robinson, R. H. Taylor, R. I. Gamon and C. O. Gray be and they are hereby created a body politic and

Corporate name.

corporate under and by the name of The Board of Trustees of the Stanley-McCormick School, and by that name they shall have

Corporate powers.

perpetual succession, may sue and be sued, plead and be impleaded, and shall have a common seal, which may be altered and changed at pleasure.

Terms of office.

Sec. 2. Members of said board of trustees shall hold their offices for the term of three years, the terms of one-third of them

Election of trustees.

expiring each year, and the Presbytery of the French Broad shall annually appoint and select three members of said board of trustees, who shall hold their offices for the term of three years

Terms of first trustees.

from the date of their appointment. Until said presbytery shall elect and appoint members of said board of trustees, said persons or incorporators shall hold their offices as follows: L. D. Gelespie,

C. L. McPheters and A. B. Bryan shall hold their offices for one year, or until their successors are elected and qualified; J. L. Ray, J. M. Lyon and J. E. Robinson shall hold their offices for two years, or until their successors are elected and qualified, and R. H. Taylor, R. I. Gamon and C. O. Gray shall hold their offices for three years, or until their successors are elected and qualified.

Powers of trustees.

Sec. 3. Said board of trustees shall have power to make rules, regulations and by-laws governing said corporation, and it shall have power to elect such officers from its body as it shall deem necessary in the conduct of the affairs of said corporation.

Purposes of corporation.

Sec. 4. The aims, objects, purposes and business of said corporation are and shall be the establishment and conduct of a school or schools in Western North Carolina.

Powers of corporation.

Sec. 5. In order to effectuate said aims and purposes, said corporation is hereby empowered to purchase, hold, take and receive by gift, grant, devise, purchase or otherwise real and personal property, and may bargain, sell and convey the same by deed in fee-simple, or any lesser estate, or by mortgage, deed of trust or conveyance upon condition.

Power to borrow money.

Sec. 6. Said corporation shall have the power to execute and deliver promissory notes, bonds or other evidences of debt, and may contract and be contracted with in any lawful manner, and may secure notes, bonds or other evidences of debt by mortgage or deed of trust on its real and personal property, and generally may do all things needful and proper to accomplish and effectuate the aims and purposes hereinbefore stated.

Sec. 7. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 334.

AN ACT TO INCORPORATE THE TOWN OF GARYSBURG, IN THE COUNTY OF NORTHAMPTON.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Garysburg, in the county of Northampton, be and the same is hereby incorporated under the name of Garysburg, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and acquire, hold and sell such real and personal property, within the corporate limits of said town, as its board of commissioners may deem necessary and expedient for the use of said town and its inhabitants.

Corporate name.

Corporate powers.

Corporate limits.

Sec. 2. The corporate limits of said town of Garysburg shall be as follows: The boundaries of said town shall form a circle with its

center at the junction of the Seaboard and Roanoke Railroad and the Petersburg Railroad, said circle to have a radius of one-half mile from said center.

Town officers, Town elections.

Sec. 3. The officers of said town shall consist of a mayor and a town marshal and five commissioners, who shall be elected on the first Tuesday in May, one thousand nine hundred and eight, and biennially thereafter, by the voters of said town who are qualified to vote for members of the General Assembly, at an election to be held under and by such rules and regulations as now govern elections for cities and towns, or as may hereafter be provided by law for such elections.

First officers named.

Sec. 4. Until the first Tuesday in May, one thousand nine hundred and eight, and until their successors are elected and qualified, W. H. Joyner, J. E. Suiter, J. A. Hawks, W. D. Ellis and J. B. Collier shall constitute the board of commissioners of said town; W. T. Joyner shall be mayor and J. F. Lifsey town marshal; all of whom shall hold their respective offices until their successors are appointed or elected and duly qualified. They shall all enter immediately upon the discharge of their duties, after taking and subscribing before some justice of the peace or other officer authorized to administer oaths an oath faithfully to discharge their respective duties and to support the Constitutions of North Carolina and of the United States.

Officers to qualify.

Additional police.

Sec. 5. Said board of commissioners may appoint additional police when it thinks the interests of the town may require it, and also a treasurer and tax collector, who shall be citizens of said town; the said treasurer and tax collector shall hold their offices during the term of the board electing them, unless removed by said board for cause, and their compensation shall be fixed by said board: *Provided*, that one person may be tax collector and treasurer, and said tax collector shall be vested with the same powers relative to the collection of taxes of said town as are vested by law in the sheriff or tax collectors of Northampton County.

Treasurer and tax collector.

Proviso: offices may be joined. Powers of tax collector.

Taxing power.

Sec. 6. The board of commissioners shall have authority to levy and collect annual taxes for municipal purposes on all property, real and personal, and polls in the corporate limits of said town at a rate not to exceed fifty cents on the one hundred dollars' worth of property, and one dollar and fifty cents on the poll: *Provided*, that in the levy of such taxes the constitutional equation between property and poll tax shall always be maintained: *Provided further*, that the assessment of value of property in said town shall be made in the manner now provided by the general law for the assessment of property in cities or towns for town or city purposes.

Tax rate.

Proviso: constitutional equation. Proviso: assessment of property.

Ordinances.

Sec. 7. The board of commissioners may pass all ordinances which it may deem necessary to the welfare, health and government of said town, not inconsistent with the Constitution and laws

of North Carolina and of the United States. Said ordinances shall be posted at the post-office and two other public places in the town, and shall be numbered and recorded in the minutes of said board. Ordinances to be posted.

Sec. 8. Said board shall prescribe what bonds shall be given by the officers of said town, and such bonds shall be payable to the State of North Carolina and be conditioned for the faithful performance of the office, and shall be liable to suit for any breach of their terms. All officers of said town shall, before entering upon the discharge of the duties of their offices, take and subscribe before some person qualified to administer oaths an oath to support the Constitution of North Carolina and of the United States, and to faithfully discharge the duties of their offices. Bonds of officers. Officers to qualify.

Sec. 9. The board of commissioners of said town may enforce all ordinances adopted by said board by a fine not exceeding fifty dollars ($50) or by imprisonment not exceeding thirty days. Enforcement of ordinances.

Sec. 10. The board of commissioners for said town shall cause to be built and maintained in said town, at the expense of said town, a humane prison-house. It shall be the duty of the mayor of said town to sentence to imprisonment in said prison-house any and all persons who shall be convicted of violating any town ordinance, when the penalty prescribed by said ordinance for its violation shall be imprisonment. The mayor may also sentence to imprisonment in said prison-house any and all persons who shall be convicted of the violation of any town ordinance, when the penalty prescribed by said ordinance shall consist of a fine, and the person so convicted shall fail to pay the same, until the said person so convicted shall have paid the fine and costs; but in no other event, in such case, shall the imprisonment be for more than twenty days. Town prison-house. Sentences to imprisonment.

Sec. 11. The mayor, in no case of the violation of any town ordinance, shall have the right to sentence to imprisonment in the county jail of Northampton County the person thus offending. Mayor not to sentence to county jail.

Sec. 12. A majority of the board of commissioners shall constitute a quorum for the transaction of all business. The board of commissioners shall have the power to fill any vacancy occurring in the office of mayor or commissioner or town marshal or other town officer, and its said appointees shall hold until the next election and the qualification of their successors. Quorum of commissioners. Vacancies.

Sec. 13. The mayor of said town shall be vested with the same criminal jurisdiction over all criminal matters arising within the limits of said town that justices of the peace now have, in addition to the jurisdiction of violations of the ordinances of said town, and his warrants may be served anywhere in the county by the marshal or police of said town or by the sheriff of the county or any constable of Northampton. The mayor and police shall be entitled to charge and collect the same fees prescribed for justices of the peace and sheriffs. Jurisdiction of mayor. Fees of mayor and police.

Manufacture or sale of liquors prohibited.

Sec. 14. It shall be unlawful for any person, firm or corporation to manufacture or to sell in any manner, directly or indirectly, any spirituous or malt liquors, wines or intoxicating liquors or beverages within the corporate limits of the said town of Garysburg. No dispensary shall be established in said town, nor saloon or distillery licensed in said town, by election or otherwise. Any person or persons, firms or corporations violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or by imprisonment or both, in the discretion of the court.

Dispensary, saloon or distillery forbidden.

Misdemeanor.

Punishment.

Public streets.

Sec. 15. All of the streets and public highways now open within the corporate limits of said town are declared to be public streets.

Condemnation of land.

Sec. 16. The board of commissioners of said town shall have the power and authority to condemn land for streets and sidewalks, and it shall be the duty of the said board of commissioners to keep the streets and sidewalks in said town in good repair.

Cemetery.

Sec. 17. Said board of commissioners shall also have power to purchase for the use of said town such land as it may deem necessary for the establishment of a cemetery, and may prescribe such rules and regulations for the government of the same as it may deem necessary.

Powers under general law.

Sec. 18. That in addition to the powers, authority and privileges conferred by this act and the duties imposed thereby, the said town, its board of commissioners and town officers shall have all the additional powers and authority and be subject to all the duties and restrictions prescribed by chapter seventy-three (73) of the Revisal of one thousand nine hundred and five (1905) of North Carolina which are not in conflict with this act.

Sec. 19. That this act shall be in force from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 335.

AN ACT TO ALLOW THE CITY OF SALISBURY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Aldermen of the City of Salisbury is hereby authorized and empowered to issue bonds in the name of the city of Salisbury, in such denominations and forms as it may determine, to an amount not exceeding in the aggregate three hundred thousand dollars ($300,000), payable at such times and such places as the board of aldermen may prescribe: *Pro-*

Amount.

Proviso: issues.

vided, that not more than one hundred thousand dollars ($100,000) of bonds shall be issued the first year, fifty thousand of which shall be used for funding the city's floating debt: and, *Provided*, not more than fifty thousand shall be issued in any subsequent year: *Provided also*, that the time of payment of such bonds shall be not less than thirty (30) nor more than fifty (50) years from date of each issue. Proviso: maturity.

Sec. 2. That the said bonds shall bear interest at no greater rate than five per centum per annum, and that the interest shall be made payable semi-annually, and that the said bonds shall in no case be sold, hypothecated nor otherwise disposed of for less than their par value and accrued interest. Interest. Not to be sold below par.

Sec. 3. That said bonds shall be signed by the mayor, attested by the city treasurer and sealed with the corporate seal of the city, and shall have interest coupons attached thereto; which said bonds and their coupons shall be exempt from city taxation, which said coupons shall be receivable in payment of city taxes, and which said coupons shall bear the engraved or lithographed signature of the city treasurer. That for the purpose of paying said bonds at maturity and the coupons as they become due, it shall be the duty of the board of aldermen, and it is hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city, and in the manner and at the same time as other taxes are collected under said charter: *Provided*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose: *Provided further*, that the city treasurer, as said coupons are paid off and taken up, shall cancel them and report the numbers and amounts of the coupons so cancelled not less than twice a year to the board of aldermen. Authentication. Exemption from taxation. Special tax. Proviso: specific appropriation. Proviso: report of coupons paid.

Sec. 4. That the said board of aldermen shall not issue said bonds, nor any of them, nor levy nor collect said taxes, until it shall have been authorized and empowered to do so by a majority of the qualified voters of the city, at an election to be held at such time and place as said board shall appoint; of which election notice shall be given for twenty days in some newspaper published in said city; at which election those favoring the issue of the said bonds and the levy and collection of said taxes for the payment of said bonds and coupons shall vote "Issue," and those opposing it shall vote "No Issue": *Provided, however*, that the said board of aldermen may at any election for the purpose of this act, in its discretion, order a new registration of voters; a majority of which voters so registered, if they cast their votes in favor of said bonds at said election by voting "Issue," shall authorize and empower the said board to issue the said bonds and levy the said taxes as aforesaid. Issue to be voted on. Notice of election. Ballots. New registration.

Successive elections.

Sec. 5. That the rejection by the voters of any proposition submitted to them under this act shall not prevent a submission of the same proposition to the said voters at any other time or times that the board of aldermen may appoint in accordance with the preceding section.

Purposes of issue.

Sec. 6. That the said bonds may be issued for the purpose of funding the city's floating indebtedness, for the purpose of maintaining, extending, enlarging and operating the water-works and sewerage systems of said city and for the purpose of building, constructing, improving and maintaining the streets and sidewalks of said city: *Provided, however*, that the said board of aldermen shall, in the resolution calling the election, and in the notice to the people of the said election, state the amount of bonds to be issued under said election and the purpose for which the said bonds are to be issued: *Provided further*, that said bonds shall be used for no other purpose: *Provided further*, that the purchasers of said bonds shall not be required to look to the application of the purchase money.

Proviso: amount to be voted on.

Proviso: specific appropriation.

Proviso: liability of purchasers.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 336.

AN ACT TO AUTHORIZE THE CITY OF MONROE TO ISSUE BONDS TO FUND ITS CURRENT INDEBTEDNESS INCURRED FOR NECESSARY EXPENSES.

The General Assembly of North Carolina do enact:

Purpose of issue.

Section 1. That for the purpose of funding the current indebtedness of the city of Monroe, in the county of Union, incurred for its necessary expenses, and of providing for its payment, the Aldermen of the City of Monroe are authorized and empowered to issue bonds, bearing interest at a rate not exceeding six per cent. per annum, to the amount of forty-five thousand dollars, of such denomination as shall be fixed by said aldermen, to each and every of which said bonds shall be attached the coupons representing the interest on said bonds; which said coupons shall be due and payable annually on the first day of January of each and every year until said bonds mature. The bonds so issued by the Aldermen of the City of Monroe shall be numbered consecutively from one to the full number issued, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent and when due, and shall be receivable in payment of

Bond issue authorized.

Interest.

Amount.

Coupons receivable for taxes.

taxes due the city of Monroe. The board of aldermen shall have the right to redeem one thousand dollars the first year after their issue and two thousand dollars annually thereafter. Bonds redeemable.

Sec. 2. That the said bonds shall be issued under the signature of the Mayor of the City of Monroe, and shall be attested by the signature of the clerk of the board of aldermen and the official seal of the city of Monroe. Authentication.

Sec. 3. That for the purpose of paying the interest on said bonds as it falls due, and of providing a sinking fund for the redemption of said bonds, it shall be the duty of the board of aldermen to levy and cause to be collected annually, as other city taxes are levied and collected, a tax upon the real and personal property of said city of Monroe and all taxable property within its corporate limits not exceeding forty cents on the one hundred dollars' worth of property, and not exceeding one dollar and twenty cents on each poll. Special tax. Limit.

Sec. 4. That the Board of Aldermen of the City of Monroe shall cause their clerk to keep a record, in which shall be entered the name of every purchaser of a bond, the number of the bond purchased and the price paid therefor, and it shall also cause its clerk to keep a record of the bonds redeemed, from whom purchased and the amount paid therefor; and the bonds, when redeemed and recorded, shall be destroyed by fire in the presence of the board of aldermen by the mayor or its clerk under its direction. The coupons when paid shall likewise be burned. Record of bonds.

Sec. 5. That chapter one hundred and sixty-six of the Private Laws of one thousand nine hundred and five is repealed. Law repealed.

Sec. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 337.

AN ACT TO AMEND CHAPTER 374, PRIVATE LAWS OF 1905, RELATING TO THE APPALACHIAN ELECTRIC POWER AND TRANSIT COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and seventy-four (374), Private Laws of one thousand nine hundred and five, be and the same is hereby re-enacted and amended as follows: In line thirteen of section three, strike out the words and figures "fifteen thousand dollars ($15,000)," and insert in lieu thereof the words and figures "ten thousand dollars ($10,000)"; and that said section three thereof be and the same is hereby further amended by Minimum capital.

Time for organization.

adding to the end of said section the following words: "*Provided*, that the incorporators named in section one of this chapter shall have five years from the ratification of this amendment in which to meet and organize under the provisions of this charter."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 338.

AN ACT TO ESTABLISH AND MAINTAIN A GRADED SCHOOL DISTRICT INCLUDING THE TOWN OF BISCOE, MONTGOMERY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

School district created.

Section 1. The following described territory, lying and being situated in Montgomery County, adjacent to and including the town of Biscoe, North Carolina, and more particularly described

Boundaries.

as follows: Beginning in the center of the Aberdeen and Ashboro Railroad where the J. D. Thomas four hundred acres cross said railway with D. R. Lewis' line; thence as their line north 75 east about 2 chains to Angus Leach's corner; thence with Leach's line northeast to Leach's corner, again with Leach's line and Shamberger's line north to Burt and Hicks' corner; thence with their line north 81 west 11.50 chains; thence north 15 east 16 chains; thence north 87 east 23.50 chains to a point south 3 degrees west from Manly Luck's southeast corner ten-acre tract; thence north 3 east 34 chains; thence north 40 west 25.50 chains to R. N. Page's corner; thence with his line north 8 east 30 chains to his corner; thence with his line west and south to Make Smith's corner; thence with Make Smith's line south to J. B. Shamberger's line; thence with Shamberger's line south 47 west to his corner; thence south 30.50 west 55.50 chains to the northwest corner of a plot of land laid out into sixteen lots by J. M. Wright, on the south side of the Aberdeen and Ashboro Railway, Troy Branch; thence with the line of that plot south 8 west 520 feet to its corner; thence south 72 degrees east 1,220 feet to its corner; thence north 8 east 700 feet to the railroad limits on the south side; thence north 79.50 east 10 chains; thence north 58 east 71.50 chains; thence south 27 east 11.50 chains to the town guard-house; thence south 67 west to the land of Francis Cotton Mill; thence with its line south and east to a point 480 feet east of the Aberdeen and Ashboro track; thence parallel with the curve of the railroad to D. R. Lewis' line;

thence with this line north 75 east to the beginning, be and the same is hereby created one school district under the name and style of the Biscoe Graded School District. Name and style.

Sec. 2. That the following named persons are hereby appointed school trustees for the school in said district, and shall hold for the terms herein provided for, all vacancies in said board of trustees to be filled as provided herein, to-wit: C. C. Crocker and John A. Monroe to hold for a term of one year, M. E. Shamberger and W. T. Hurley to hold for a term of two years, and J. W. Masemore to hold for a term of three years; and the term of office of said trustees to commence from and after the ratification of this act. All vacancies in said board, whether arising from death, resignation, removal, expiration of term or otherwise, shall be filled by the remaining trustees and the Board of Commissioners of the Town of Biscoe acting together, and the majority of said trustees and commissioners shall have the power of selection, and the persons so elected shall hold for the term of two years from the date of their selection. Trustees and terms of office. Vacancies.

Sec. 3. That the County Board of Education of Montgomery County shall apportion and pay over to the treasurer of said board of trustees out of the public school funds such funds and moneys as the said district may be entitled to and the needs of the schools require, under the rules of apportionment and distribution set out and prescribed in the general school law of North Carolina. Apportionment of school funds.

Sec. 4. That all funds and moneys coming to and apportioned to or to be apportioned to said district above described for school purposes from the State and from the county of Montgomery shall be by the proper officer paid to the said board of trustees above created and its duly constituted successors, and shall be used by them for the benefit, support and maintenance of a public or graded school or schools in said district. School fund paid to trustees.

Sec. 5. That the said board of trustees herein created shall on the first Monday of May next ensuing submit to the qualified voters of the said district above created the question whether an annual tax shall be levied and collected in the said district for the benefit and support of the schools of said district. Election on school tax.

Sec. 6. That at the election held under the provisions of this act those favoring the collecting of such tax shall vote a written or printed ballot, without device, with the words "For Schools" upon it, and those opposed to the levying and collecting of such tax shall vote a written or printed ballot, without device, with the words "Against Schools" upon it. The penalty for illegal or fraudulent voting shall be the same as in the election of the members of the General Assembly. The said board of trustees shall give twenty days' notice of the time of holding said election in a newspaper published in Montgomery County and by notice posted Ballots. Notice of election.

Registrar and poll-holders.

at three or more public places in said district. The said board of trustees shall select three men, qualified voters of said district, one of whom shall be registrar and the other two poll-holders, to

Law governing election.

hold said election, who shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of members of the General Assembly; and the result of said election shall be declared by the same rules as prevail in general elections, and the parties holding said election shall certify the results thereof to the Commissioners of Montgomery County.

Special tax.

Sec. 7. That if a majority of the qualified voters of said district shall vote at said election in favor of or "For Schools," it shall be the duty of the Board of Commissioners of Montgomery

Limit.

County to levy annually a special tax not to exceed fifty cents on the hundred dollars valuation on all the taxable property of said district, and a tax not to exceed one dollar on each poll in said district; and the tax so levied on the property and polls of said district shall be collected by the sheriff of the county, and the said sheriff shall pay the amount so collected to the treasurer of the said board of trustees, to be used and applied by said board of trustees in support and maintenance of the public or graded schools of said district. And such sheriff shall be subject to the same liabilities for collecting and disbursing said taxes as he

Compensation of sheriff.

may be for other school taxes, and shall receive as compensation for his services two and one-half per centum commission of the amount so collected.

Trustees to have charge of schools.

Sec. 8. That the said board of trustees so named and their successors shall have the sole and exclusive charge of the public

Officers and by-laws.

schools of said district, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper;

Treasurer.

and they shall select a treasurer, who shall have charge of all

Vouchers.

moneys and funds to be used for school purposes, and who shall pay out the same only on such vouchers as the said board of

Compensation and bond of treasurer.

trustees shall direct; and the said board shall fix such compensation and require such bond of said treasurer as it may deem proper. The said trustees above named and their successors shall spend all moneys coming into their hands from all sources whatsoever for the schools of said district only for the benefit of said school or schools therein.

Teachers and officers.

Sec. 9. That the said trustees shall have the power and authority to employ all teachers and select all officers necessary for the said public or graded schools and to fix their compensation; and they shall have power to establish and maintain such schools as

Purchase and sale of property.

they may deem necessary. They shall have the power and right to buy, sell, take, hold and rent or lease real property and personal property necessary for the use of said schools, and they shall have the right and power to do any and all things neces-

sary for the successful conduct of said schools. And the said trustees shall have the power and authority to permit persons above the school age or who are non-residents of the district to attend the said schools upon the payment of such reasonable fees as the said trustees may prescribe: *Provided*, that there shall be accommodations more than adequate for the children of school age in said district. Non-resident pupils. Proviso: accommodation.

Sec. 10. That the said board of trustees shall file with the Board of Education of Montgomery County, on or before the first day of June of each and every year hereafter, an itemized statement of all receipts and disbursements made by the said board of trustees during the preceding fiscal year on account of their dealings as said trustees. Statement of receipts and disbursements.

Sec. 11. That the said trustees shall have the power and authority to employ a surveyor to run and mark the boundaries of said district set out and prescribed herein. Survey of district.

Sec. 12. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

Sec. 13. That this act shall be in full force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 339.

AN ACT TO AMEND CHAPTER 153 OF THE PRIVATE LAWS OF 1893, ENTITLED "AN ACT TO INCORPORATE THE CITY OF FAYETTEVILLE," AND TO AMEND CHAPTER 311 OF THE PRIVATE LAWS OF 1905, ENTITLED "AN ACT TO CREATE A PUBLIC WORKS COMMISSION FOR THE CITY OF FAYETTEVILLE," AND THE ACTS AMENDATORY THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That section six of chapter one hundred and fifty-three of the Private Laws of 1893 be amended as follows: Strike out the words "fourteen aldermen," in line three of said section, and insert in lieu thereof the words "one alderman from each ward"; and strike out the words beginning with the word "and," in the fifth line of said section, down to and including the word "city," in the sixth line of said section. Board of aldermen.

Sec. 2. That said section six be further amended by adding the following language at the end thereof: "Each alderman shall receive, as compensation for his services, the sum of two dollars for each meeting attended and participated in by him, not to exceed twenty meetings per annum." Compensation of aldermen.

Sec. 3. That section twenty-five of said chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three be amended by striking out the first, second, third and fourth lines thereof down to the word "he," in the fourth line of said section, and substituting the following in lieu thereof: "The Mayor of the City of Fayetteville is hereby constituted a special court, with exclusive jurisdiction and powers in criminal cases occurring within the limits of said city of offences and violations of law which are now or hereafter may be by law vested in justices of the peace for final determination, and shall have concurrent jurisdiction with justices of the peace in all other criminal cases: *Provided*, that upon affidavit filed that a party defendant cannot obtain a fair trial before such mayor, the case, other than for violation of any city ordinance, may be tried by some justice of the peace of Cross Creek Township."

Jurisdiction and powers of mayor.

Proviso: removal of causes.

Sec. 4. That section thirty-eight of said chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three be amended as follows: Add at the end of said section the following language: "Each member of the board of audit and finance shall receive as compensation for his services the sum of two dollars for each meeting attended and participated in by him, not to exceed twenty meetings per annum."

Compensation of board of audit and finance.

Sec. 5. That section forty of said chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three be amended by adding at the end thereof the following language: "It shall be the duty of the Board of Aldermen of the City of Fayetteville, during the month of May in each year, to prepare a budget of the year's expenses, specifying the amounts which, in the judgment of said board, should be appropriated to the various items making up the expenditures of the city for the current year, basing such budget upon a fair estimate of the city's revenues from all sources, and taking into consideration all the city's liabilities, including sinking funds required by law for the protection of the city's outstanding bonded indebtedness; which said budget, as soon as completed, shall be transmitted in writing to the board of audit and finance, which board shall, as speedily as practicable thereafter, fully consider such budget, and approve or veto the same or any part thereof; and in case of disapproval or veto the reasons of said board of audit and finance therefor shall be specified in writing, and by said board as speedily as practicable transmitted to the board of aldermen; and in case of disagreement the veto of the board of audit and finance shall be final, and the budget shall be in conformity with said veto, unless said board of aldermen shall overcome said veto by a vote of at least five-sevenths of the entire board. In all cases of vetoes by said board of audit and finance, whether of the budget or of any other matter within the jurisdic-

Aldermen to prepare budget.

Budget transmitted to board of audit and finance.

Veto by board of audit and finance.

Vote to overcome veto.

tion of said board, a vote of five-sevenths of the board of aldermen shall be sufficient to overcome such veto."

Sec. 6. That section fifty-three of said chapter one hundred and fifty-three, as amended by section ten of chapter eighteen of the Private Laws of one thousand eight hundred and ninety-nine, be stricken out, and the following language be substituted therefor: "The board of aldermen, the board of audit and finance concurring, shall have the power to regulate water charges for private consumption by any water company doing business or the plant or pipes of which are wholly or partially located in the city of Fayetteville." Water charges.

Sec. 7. That section four of chapter three hundred and eleven of the Private Laws of one thousand nine hundred and five be amended by striking out said section and substituting the following:

"Sec. 4. Said commission shall have full charge and control and the general supervision and management of the electric light plant, the water-works and sewerage, and shall collect all rents and profits accruing therefrom, and shall make all disbursements on account of the same." Public works commission.

Sec. 8. That section eight of said chapter three hundred and eleven of the Private Laws of one thousand nine hundred and five be stricken out, and the following section be substituted therefor:

"Sec. 8. Said commission shall have full charge and control, and shall supervise the construction, repairing, alteration or enlargement of the electric-light plant, the water-works plant and the sewerage plant, with full power and authority to make all necessary contracts relating to the same, including the purchase of all necessary sites, machinery, supplies and other property and the employment of necessary labor and other help in said construction, repairing, alteration or enlargement; and all other public utilities, buildings and property now owned or which may hereafter be owned by the city of Fayetteville, and the proceeds thereof and the rentals therefrom shall be under the supervision and control of the board of aldermen of said city; and the said chapter three hundred and eleven of the Private Laws of one thousand nine hundred and five is hereby made to conform herewith. Said board of aldermen shall make a monthly settlement with said public works commission for all lights and water used by the city during the preceding month, and said commission shall at all times have credit with said board of aldermen, for the purpose of properly conducting its business, equal to one month's charges for the light, water and sewerage of the city." Supervision of electric-light, water and sewerage plants. Other public property. Monthly settlements. Credit.

Sec. 9. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 10. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 340.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LINCOLNTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and sixty-nine of the Private Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended as follows: By striking out in section thirty-six, in line nine, the word "thirty-five," and inserting in lieu thereof the word "fifty"; and in line fourteen thereof, by striking out the word "five," and inserting in lieu thereof the word "fifty." That section seventy-six of said chapter be amended by striking out the word "fifteen," in line two thereof, and the word "hundred," in line three thereof, and by substituting for such words "three thousand."

Tax limit.

Power to borrow money.

Sec. 2. That this act be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 341.

AN ACT TO PROVIDE FOR THE SYSTEMATIC RETIREMENT OF MEMBERS OF THE BOARD OF EDUCATION OF THE BURLINGTON CITY GRADED SCHOOL AND THE APPOINTMENT OF SUCCESSORS.

The General Assembly of North Carolina do enact:

Number and term.

Section 1. That the Board of Education of the Burlington City Graded School shall consist of seven members, and that the term of office of each member shall be three years.

Beginning and end of term.

Sec. 2. That the term of office of each member of said board of education shall begin on the first day of July in the year in which he is appointed and terminate on the thirtieth day of June three years thereafter.

Appointment of successors.

Sec. 3. That the Board of Aldermen of the City of Burlington shall, at its regular meeting next preceding April first of each year, appoint successors to members of the board of education whose terms of office expire on said thirtieth of June of each respective year.

Present trustees retired.

Sec. 4. That the present members of the board of education shall be retired in the following order: July first, one thousand nine hundred and seven, J. W. Cates and J. R. Ireland; July first, one thousand nine hundred and eight, D. F. Morrow and W. C.

Isley; July first, one thousand nine hundred and nine, W. K. Holt, J. P. Albright and B. A. Sellars; and that successors to each and all of these shall be appointed according to the provisions of this act.

Political parties.

Sec. 5. That at no time shall more than four members of the board of education belong to any one political party.

Reappointment of trustees.

Sec. 6. That nothing in this act shall be so construed as to prevent the reappointment of any member of said board of education for any number of consecutive terms.

Sec. 7. That all laws and parts of laws not in agreement with this act are hereby repealed.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 342.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF CHARLOTTE, AND TO EXTEND THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

Incorporation continued.

Section 1. That the inhabitants of the city of Charlotte shall be and continue, as they have been, a body politic and corporate,

Name and style.

and the corporation shall bear the name and style of the City of

Corporate powers.

Charlotte and have perpetual succession; and under such name and style shall have all the franchises, powers, property and rights of property which now belong to the corporation, under any other name or names heretofore, and be subject to all its present liabilities; and by this name may acquire and hold all such estates as may be devised, bequeathed, sold or in any manner conveyed to it, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell or dispose of the same; and under this name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights, privileges, franchises and immunities necessary or belonging to or usually appertaining to municipal corporations.

Corporate limits.

Sec. 2. That the corporate limits of said city of Charlotte shall be extended to and circumscribed by the following boundaries, to-wit: Beginning at a stone in the center of the present main-line track of the North Carolina Railroad, now leased and operated by the Southern Railway Company, being a point north fifty-three degrees and twenty minutes east, thirteen thousand and two

hundred feet from the center of Independence Square in said city, and running north seventy-five degrees forty-five minutes west, five thousand four hundred and sixty-five feet, to a stone near the track of the Atlantic, Tennessee and Ohio Railroad, being a point two miles by a straight line from the center of said Independence Square; thence continuing by the same course five thousand four hundred and sixty-five feet to a stone, being a point two miles by a straight line from said center of said Independence Square; thence south sixty-seven degrees and thirty minutes west eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said Independence Square; thence south twenty-two degrees and thirty minutes west eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said square; thence south seven degrees and thirty minutes east, about nine thousand four hundred feet, to a stone in the center of the track of the Charlotte, Columbia and Augusta Railroad, being a point thirteen thousand and two hundred feet by a straight line from the center of said square; thence south eighty-two degrees and thirty minutes east, nine thousand and four hundred feet to a stone, being a point two miles by a straight line from the center of said square; thence north sixty-seven degrees and thirty minutes east, eight thousand and eighty-two feet, to a stone, being a point two miles by a straight line from the center of said square; thence north twenty-two degrees and thirty minutes east, eight thousand and eighty-two feet, to a stone, being a point two miles by a straight line from the center of said square; thence north twelve degrees east five thousand five hundred and fifty feet to a stone; thence north seven degrees and thirty minutes west six hundred and fifty feet to a stone; thence north thirty-four degrees west one thousand seven hundred and thirty-five feet to a stone; thence north twenty-seven degrees and thirty minutes west, four hundred and seventy-five feet, to the point of beginning.

Wards.

Sec. 3. That the territory comprised within the corporate limits described and established in section two shall be and is hereby laid off into eleven wards called and bounded as follows: (1) The First Ward, or Ward Number One, is bounded by lines beginning at the center of Independence Square in said city, and running with North Tryon Street to the Carolina Central Railroad; thence with said railroad easterly to East Sugar Creek; thence down the creek to the center of the bridge on Elizabeth Avenue; thence with Elizabeth Avenue and East Avenue and Trade Street to the point of beginning. (2) The Second Ward, or Ward Number Two, is bounded by lines beginning at the center of Independence Square, and running with Trade Street, East Avenue and Elizabeth Avenue to the center of the bridge on East Sugar Creek; thence down the creek to a point where Morehead Street, if extended, would cross the creek; thence with the line of Morehead

First ward.

Second ward.

Street (extended) to South Tryon Street, and thence with South Tryon Street to the point of beginning. (3) The Third Ward, or Ward Number Three, is bounded by lines beginning at the center of Independence Square, and running with South Tryon Street to Morehead Street; thence westerly with the line of Morehead Street (extended) to Erwin's or West Sugar Creek; thence up the creek to the bridge on West Trade Street, and thence with West Trade Street to the beginning. (4) The Fourth Ward, or Ward Number Four, is bounded by lines beginning at the center of Independence Square, and running with West Trade Street to the center of the bridge on Erwin's or West Sugar Creek; thence up the creek to the Carolina Central Railroad; thence with said railroad easterly to its intersection with North Tryon Street, and thence with North Tryon Street to the point of beginning. (5) The Fifth Ward, or "North Charlotte," is bounded by lines beginning at the intersection of North Tryon Street and the Carolina Central Railroad, and running with North Tryon Street (extended), or the Salisbury road, to the point where the limits of the city as defined by this act cross that road; thence easterly with said corporate limits to the Poor House road; thence with the Poor House road to East Sugar Creek, and thence with the creek to the Carolina Central Railroad, and thence with said railroad to the point of beginning. (6) The Sixth Ward, or "Piedmont," is bounded by lines beginning at the Seventh Street bridge on East Sugar Creek, and running with Seventh Street and the Monroe road to the point where the corporate limits as defined by this act cross that road; thence in a northerly direction with said corporate limits to the Poor House road; thence with that road to East Sugar Creek; and thence with that creek to the point of beginning. (7) The Seventh Ward, or "Elizabeth," is bounded by lines beginning at the Seventh Street bridge on East Sugar Creek, and running with that street and the Monroe road to the point where the corporate limits as defined by this act cross that road; thence with said corporate limits in a southwesterly direction to the point where said corporate limits cross East Sugar Creek, and thence up the creek to the point of beginning. (8) The Eighth Ward, or "Dilworth," is bounded by lines beginning at the point on East Sugar Creek where Morehead Street (extended) would cross that creek, and running down the creek to the point where said corporate limits cross that creek; thence in a westerly direction with said limits to the Charlotte, Columbia and Augusta Railroad; thence with that railroad to the bridge on Morehead Street; thence with Morehead Street (extended) to the point of beginning. (9) The Ninth Ward, or "Wilmooré," is bounded by lines beginning at the Morehead Street bridge on the Charlotte, Columbia and Augusta Railroad, and running in a southwesterly direction with that railroad to said corporate limits; thence with the said limits westerly to

Third ward.

Fourth ward.

Fifth ward.

Sixth ward.

Seventh ward.

Eighth ward.

Ninth ward.

Erwin's or West Sugar Creek; thence up the creek to the point where Morehead Street (extended) would cross that creek, and thence with Morehead Street in a southeasterly direction to the point of beginning. (10) The Tenth Ward, or "Seversville," is bounded by lines beginning at the bridge or culvert on the Carolina Central Railroad where that railroad crosses Erwin's or West Sugar Creek, and running down the creek in a southerly direction to the point where said corporate limits cross the creek; thence with said corporate limits in a northerly direction to the Carolina Central Railroad, and thence with that railroad to the point of beginning. (11) The Eleventh Ward, or "Groveton," is bounded by lines beginning at the intersection of North Tryon Street and the Carolina Central Railroad, and running with North Tryon Street (extended), or the Salisbury road, to the point where the corporate limits cross that road; thence westerly with said limits to the Carolina Central Railroad, and thence with that railroad to the point of beginning.

Tenth ward.

Eleventh ward.

Number of aldermen.

Residence of aldermen.

Sec. 4. That the board of aldermen of said city shall consist of twenty-one citizens elected by the qualified voters of the wards in which they reside; four of whom shall be at the time of their election residents of the First Ward; three of whom shall be at the time of their election residents of the Second Ward; three of whom shall be at the time of their election residents of the Third Ward; three of whom shall be at the time of their election residents of the Fourth Ward; two of whom shall be at the time of their election residents of the Eighth Ward; and six of whom shall be at the time of their election residents each of the Fifth Ward, Sixth Ward, Seventh Ward, Ninth Ward, Tenth Ward and Eleventh Ward, respectively.

School commissioners.

Residence of school commissioners.

Sec. 5. That the board of school commissioners of said city shall consist of seventeen citizens to be elected by the qualified voters of the wards in which they reside; three of whom shall be at the time of their election residents of the First Ward; two of whom shall be at the time of their election residents of the Second Ward; two of whom shall be at the time of their election residents of the Third Ward; two of whom at the time of their election shall be residents of the Fourth Ward; two of whom shall be at the time of their election residents of the Eighth Ward; and six of whom shall be at the time of their election residents each of the Fifth Ward, Sixth Ward, Seventh Ward, Ninth Ward, Tenth Ward and Eleventh Ward, respectively.

Time of residence required.

Removal to vacate office.

Sec. 5a. That each aldermen or school commissioner from any ward shall have been a resident of the territory included in said ward at least four months next preceding his election, and if any such alderman or school commissioner shall after election move out of the city limits or the ward from which he was elected, his office shall be thereby vacated, and the same shall be filled as hereinafter provided.

ELECTIONS.

City elections.

Sec. 6. That on Tuesday after the first Monday in May, one thousand nine hundred and seven, and every two years thereafter, there shall be elected a mayor and board of aldermen and a board of school commissioners for said city, and the administration and government of the city shall be vested in said mayor and board of aldermen and such other officers as are hereinafter provided for.

Law governing elections.

Sec. 7. That the provisions made or hereafter made by the General Assembly which may be in force at the time of any city election for testing the qualification and right of any person to vote in a general election of the State shall apply as far as possible to any election held under this charter, and the registrar and judges of election are hereby invested with full power to pass upon and decide said qualifications.

Appointment of registrars.

Sec. 8. That the Board of Commissioners of Mecklenburg County shall appoint, on or before the fifteenth day of March, A. D. one thousand nine hundred and seven, and biennially thereafter, a competent person to act as registrar of voters for each ward of the city of Charlotte, and shall cause publication thereof to be made at the City Hall and the county court-house door, and notice thereof to be served on such persons by the sheriff. If any registrar shall fail or refuse to perform the duties of his office, or shall die or resign, or if for any cause there shall be a vacancy in any such office, the chairman of the board of commissioners of said county shall appoint another in his place.

Vacancies.

Registrars to qualify.

Sec. 9. That before entering upon the duties of his office, each registrar shall take an oath, before some person authorized to administer oaths, to faithfully perform the duties of his office as such registrar.

Registration.

Sec. 10. That the registrar of each ward shall be furnished by the Clerk of the Superior Court of said county with a registration book, and it shall be his duty, between the hours of nine o'clock A. M. and sunset each day (Sundays excepted), commencing on the last Monday in March next after his appointment and continuing for a period of thirty days (including Sundays), to open said book at some convenient place in said ward for the registration of all voters in his ward entitled to registration. That said registration books shall not be kept open for more than thirty days, but shall be closed for registration at sunset on the last day of said period.

Registration to close.

New registration.

Sec. 11. That for the election in May, one thousand nine hundred and seven, there shall be a new registration of all persons who may be entitled to register in the Fifth Ward, Sixth Ward, Seventh Ward, Eighth Ward, Ninth Ward, Tenth Ward and Eleventh Ward, each respectively, as defined by this act. That a new registration for said election shall not be required of voters

residing in the First Ward, Second Ward, Third Ward and Fourth Ward, each respectively, as defined by this act; but that the registration books of said city heretofore used and now in use for the said wards last mentioned shall be used in said election and until the board of aldermen of said city shall order a new registration therein: *Provided*, that said registration books shall be revised and purged of the names of all persons not residing in said wards last mentioned: *Provided also*, that the names of all persons residing in each of said wards last mentioned who are entitled to register under the provisions of this act whose names are not on said registration books may be registered therein as hereinafter provided. That in all cases the applicant for registration, before being registered, shall state upon oath his name, age, place of birth, place of residence, giving the ward, number of house, if numbered, and if not numbered, then designation of its locality by streets, and if not the owner, then the name of the owner or agent; his occupation, place of business, where and by whom employed, if employed; from whence he came, if a new resident, and his post-office address before removal; also the time of his residence in the county of Mecklenburg and in the ward, if not known to the registrar to be qualified to register. Said applicant shall also, if required by the registrar, answer whether he has been disqualified as a voter by a judgment or decree of any court, and if so, by what court or how otherwise reinstated, and any other questions which may be material upon the question of his identity and qualification for registration. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the qualifications of the applicant, and thereupon, if the applicant shall be found duly qualified, the registrar shall register the applicant by recording in the proper column of the registration book his name, age, residence, place of birth, the township, county or State from which he has removed, in the event of a removal; and the registration books containing said record shall be evidence against the applicant in any court of law in a prosecution for false or fraudulent registration: *Provided*, that nothing herein contained shall prevent a challenge of his right to vote by any elector or judge of election when he presents himself to vote. That after the new registration hereinbefore provided for shall have been made by virtue hereof, a new registration shall not be made biennially, but such registration books shall be revised so as to show an accurate list of electors previously registered and still residing in said city, without requiring such electors to be registered anew; and such registrars shall, on or before the last Monday in March biennially, open said books for the registration of any electors entitled to registration in each and all of said wards whose names have never before been registered

Proviso: books to be revised.

Applicants for registration to be sworn.

Registrar may require evidence.

Registration books evidence.

Proviso: challenges.

Biennial revision of registration.

in such wards or do not appear on the revised list: *Provided, however*, that the board of aldermen may at any time order a new registration in the manner herein provided. If any elector has been previously admitted to registration in any ward in said city, he shall not be entitled to register again in another ward of said city until he produces a certificate of the registrar in the former ward that his name has been erased from the registration book of the ward from which he has removed, and the identity of any person claiming the right to be registered in any ward by virtue of such certificate with the person named therein shall be proven to the registrar, if not known to him. If any applicant for registration shall not disclose the place of residence in his ward, his willful failure to do so shall be *prima facie* evidence that he is not entitled to register in such ward. Every person qualified as an elector shall take the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of North Carolina, not inconsistent therewith; that I have been a resident of the State of North Carolina for two years, and of the county of Mecklenburg for six months, and of ..... Ward for four months; or that I was a resident of ..... Ward on the ..... day of ..... (being four months preceding the election), and removed therefrom to ..... Ward, where I have since resided; that I am twenty-one years of age; that I have not registered for this election in any other ward. So help me, God."

Proviso: aldermen may order new registration.

Voters removing.

Oath of elector.

Sec. 12. That the Board of County Commissioners of Mecklenburg County, on or before the fifteenth day of April, one thousand nine hundred and seven, and biennially thereafter, or at such other time as it may be necessary to do so, shall appoint two persons who shall act as judges of election at each place of holding elections in their respective wards, each of whom shall be a man of good moral character and able to read and write. The said judges of election shall attend at the polling places for which they are severally appointed on the day of election, and they, together with the registrar for such ward, who shall attend with the registration books, after being sworn by some justice of the peace or other person authorized to administer oaths to conduct the election fairly and impartially according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep the poll books, in which shall be entered the name of every person who shall vote, and at the close of the election the said registrar and judges of election shall certify the same over their proper signatures, and deposit the same with the Clerk of the Superior Court of Mecklenburg County; and said poll books shall be evidence in any trial for illegal and fraudulent voting. The board of county commisssioners shall, immediately after the appointment of the judges of

County commissioners to appoint judges of election.

Judges to attend and conduct election.

Poll books.

Appointees notified.

election as herein provided, furnish a list of the names of such judges to the sheriff of the county, who shall within five days serve notice of such appointment upon said judges, and if any person appointed judge of election shall fail to attend or to act, the registrar of the ward shall appoint some discreet person to act in his stead, who shall be by him sworn before acting; and if the registrar shall fail to attend on the day of election, then the judge or judges of election, after qualifying, may appoint another to act as registrar, who shall be sworn by him or them before acting.

Vacancies.

Challenges.

Sec. 13. That said board, at least ten days before each election herein provided for, shall appoint for each polling place two discreet persons challengers (from opposite political parties if any two of the candidates belong to opposite political parties, otherwise any discreet persons); and in the event the board fails to appoint such challengers, the registrar and judges may appoint; and if the vote of any elector shall be challenged by them or any other elector or by the registrar or judges of election, said challengers, or either of them, upon the announcement of such challenge, and any witnesses that may be called upon the question of challenge, shall be permitted to enter the polling place and remain while the testimony is being taken upon the question of challenge and no longer.

Election constables.

Sec. 14. The registrars and judges of election may appoint as many election constables or bailiffs, not to exceed three, as they may deem necessary for each ward, to be present during the election to keep the peace, to prevent improper intrusion upon the voting place or the booths or railed or roped space provided in this act, to arrest all persons creating any disturbance about the voting place, and to enable those who have not voted to have unobstructed access to the polls, and to keep clear the open space hereinbefore provided at all times during the election. It shall be the duty of said election constables or bailiffs to be present at the voting place, and to take such steps as will accomplish the object of their appointment, and they shall have full power to summon all persons present at the voting place to aid in arresting offenders against this section, and to hold them in custody as long as may be necessary for service of regular process on them. And for the purpose of exercising the powers herein conferred upon them, the registrar and judges of election shall be and are hereby constituted conservators of the peace.

Duties of constables.

Registrars and judges conservators of peace.

Proceeding under challenge.

Sec. 15. When any person is challenged the judges and registrar shall explain to him the qualifications of an elector, and shall examine him as to his qualifications; and if the person insists that he is qualified, and shall prove his identity with the person in whose name he offers to vote by the testimony under oath of at least one elector, the registrar or one of the judges

shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years old, and that you have resided in this State for two years and in this county six months and in the city and ward four months next preceding this election, and that you are not disqualified from voting by the Constitution and laws of this State; that your name is (here insert the name given), and that in such name you were duly registered as a voter of this ward, and that you are now an actual resident of the same, and have been ever since you so registered; and that you are the identical person you represent yourself to be, and that you have not voted in this election at this or any other polling place. So help you, God." If he refuses to take such oath, his vote shall be rejected. If, however, he does take the oath when tendered, his vote shall be received: *Provided*, that after such oath shall have been taken, the registrar and judges may refuse to permit such person to vote unless they be satisfied that he is a legal voter; and they are hereby authorized to administer necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. When any person's vote shall be received, after having taken the oath prescribed in this section, the clerks of election shall write on the poll books at the end of such person's name the word "Sworn." The same powers as to the administration of oaths and examination of witnesses as in this section granted to registrars and judges of election may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

Oath of person challenged.

Proviso: registration of vote.

Sec. 16. That the polls shall be open on the day of election from sunrise in the morning until sunset on the same day and no longer; and each elector whose name shall appear registered, and who shall not be challenged and rejected, shall be entitled to vote. A space of not more than fifty feet in every direction from each poll or the room in which the election is held may be kept open and clear of all persons except the election officers herein provided; which space may be railed or roped off, with a narrow passage leading to and from the poll, and each elector shall approach the poll from one direction through such passage, and after depositing his ballot in the box with as little delay as possible, shall depart by the passage leading from the polls. Only one elector shall enter the said passage leading to the polls at one time. The said railed or roped off space shall at all times during the hours for balloting be kept open and cleared of all persons except the election officers aforesaid; and it shall be the duty of the election bailiffs, hereinafter provided for, to keep such space so cleared and opened.

Hours of election.

Method of voting.

Booths to be kept clear.

Sec. 17. That the several candidates for mayor, aldermen, school commissioners and for any other offices of the city to be filled at

Candidates to file notice.

any election shall, at least five days prior to any election, file with the Clerk of the Superior Court of Mecklenburg County a notice in writing, stating that he will be a candidate in such election, and the office for which he will be a candidate, which notice shall be signed by him; and said clerk shall indorse on the back of such notice the date when it was filed in his office, and shall preserve the same with the other records of the county. Any elector of the city shall have the right to inspect the same. That it shall be the duty of said Clerk of the Superior Court, within three days before any such election, to have printed the ballot to be used and cast by the electors in such election, which ballot shall contain the names of all the candidates who filed said written notice as above prescribed, and there shall be printed on each ballot a square opposite the name of each candidate, all of which names, together with the offices for which they are respectively candidates, shall be printed on the same ballot, and no candidates for any office shall be voted for in any election who have not filed written notice in said clerk's office as in this act provided; and said clerk shall also provide necessary ballot boxes in which ballots are to be placed. That the Mayor of the City of Charlotte shall issue a warrant or order on the city treasurer in favor of said clerk for the amount of expenses incurred for said registration books and the printing and distributing said ballots or tickets and for holding the elections herein provided for, and said treasurer shall pay the same. That said clerk shall, not later than sunset the day preceding the election, deliver to each registrar three times as many of said printed ballots as the registration books shall show that there are electors in such registrar's ward; and it shall be the duty of each of said registrars to have said ballots and tickets at his polling place at sunrise on the morning of the election, and to see that two of such tickets are given to every elector presenting himself to vote in said election. That it shall further be the duty of said registrar to have and keep in a conspicuous place at his polling place, during the whole of the election, a list of all the candidates that may be voted for in said election and the office for which each is a candidate. That in the event any elector shall not be provided with a ticket or ballot by the registrar of his ward, upon his demand for the same, such elector, if entitled to vote, shall have the right to prepare and write, or have prepared and written his own ballot and cast the same, if otherwise entitled to do so, and such ballot shall be counted. That each elector who shall upon his demand be furnished with a printed ballot, as in this act provided, shall make a cross mark with ink or pencil in the square opposite the name of the candidate or candidates for whom he purposes to vote in said election, and shall deposit his ballot so marked in the ballot box, or cause the same to be deposited. If the elector cannot read or write, he may have one of the judges or registrars, or

Clerk to indorse notices.

Ballots.

Ballot boxes.

Payment of expenses.

Distribution of ballots.

Lists of candidates to be posted.

Electors not provided with ballots.

Marking ballots.

Assistance to electors.

any of the bailiffs or challengers, or, in case they refuse, then any one else, to prepare his ballot for him: *Provided*, that if any elector by his ballot votes for more persons than he is entitled to vote for, such ballot shall not be counted. Proviso: ballots not counted.

Sec. 18. After said ballots shall be counted, they shall be carefuly preserved and, together with the poll lists, which shall be signed by the judges of election, and the registration books, shall be delivered to the Clerk of the Superior Court of Mecklenburg County, North Carolina. Ballots preserved and filed.

Sec. 19. If among the persons voted for for aldermen, school commissioners or other officers in any ward, there shall be a tie, such persons having received more votes than the others voted for, the registrar and judges of election for such ward shall decide the election between such persons. As soon as the result of the election in any ward shall be determined, two certificates thereof shall be made under the hands of the judges and registrar, or a majority thereof, setting forth in words and figures the number of votes each candidate received, one of which certificates shall be delivered to the Sheriff of Mecklenburg County, who shall at once make a proclamation thereof at the county court-house door, and the other shall be delivered to the Mayor of the City of Charlotte; and upon application they shall also furnish to each person elected alderman, school commissioner or other officer in his ward a certificate of his election. Ties. Returns.

Sec. 20. The mayor shall be elected by the qualified voters of the city of Charlotte for the term of two years and until his successor shall be elected and qualified. In case two or more persons receive an equal number of votes (being more votes than the other candidates received) for the office of mayor in any election, the Sheriff of Mecklenburg County shall determine the matter by his vote. Election and term of mayor. Sheriff to decide ties.

Sec. 21. If any person shall, with intent to commit a fraud, register and vote at more than one polling place, or more than one time, or shall induce another to do so, in the same election, or if any person shall illegally vote at any election herein provided for, he shall be guilty of an infamous crime and imprisoned not less than six months nor more than twelve months, or fined not less than one hundred dollars nor more than five hundred dollars, in the discretion of the court; and any registrar of voters or any clerk or copyist who shall make an entry or copy with intent to commit fraud shall be liable to the same penalty. Repeating a felony. Punishment. Entry with intent to commit fraud.

Sec. 22. If any person shall falsely and corruptly take the oath prescribed for voters aforesaid, he shall be guilty of perjury, and be fined not less than five hundred dollars nor more than one thousand dollars, and be imprisoned at hard labor in the penitentiary not less than two years nor more than five years. False oath perjury. Punishment.

Sec. 23. If any person by force or violence shall break up or stay any election by assaulting the officers thereof, or by depriv- Interference with election misdemeanor.

ing them of the ballot boxes, or by any other means, such person and his aiders and abettors shall be guilty of a misdemeanor and imprisoned not more than three months and pay such fine as the court shall adjudge, not exceeding one hundred dollars. If any person shall interrupt or disturb the registrar while actually engaged in the registration of voters, or the registrar or judges of election while engaged in holding the election, or in counting and adding up the result thereof, or shall behave in a disorderly or boisterous manner in the presence of said officers while so engaged in the discharge of their official duties, or obstruct such officers in the legal discharge of the duties of their several positions, such person shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Punishment.

Other misdemeanors.

Punishment.

Forfeit for treating.

Sec. 24. If any person shall treat with either meat or drink on any day of election or on any day previous thereto with an intent to influence the election, he shall forfeit and pay two hundred dollars, the one-half for the use of the county and the other to the use of the person who shall sue for the same.

Intimidation of voters a misdemeanor.

Sec. 25. If any person shall discharge from employment, withhold patronage from or otherwise injure, threaten, oppress or attempt to intimidate any qualified voter because of the vote such voter may or may not have cast in any election under this act, he shall be guilty of a misdemeanor.

Bribery felony.

Sec. 26. If any person shall at any time before, during or after an election give any money, property or reward to any elector in order to secure his vote, he shall be guilty of an infamous crime and fined or imprisoned, in the discretion of the court; and any person who shall receive or offer to receive such bribe shall also be guilty of an infamous crime, and be fined or imprisoned in the discretion of the court.

Punishment.

Receiving bribe felony.

Punishment.

Election officers to administer oaths.

Sec. 27. The registrars and judges of election are hereby empowered to administer all oaths and affirmations necessary in the conduct of elections.

Betting on election misdemeanor.

Sec. 28. If any person shall bet or wager money or other thing of value upon the result of any election under this act, he shall be guilty of a misdemeanor.

Fraudulent registration or impersonation of voter.

Sec. 29. If any person shall cause or procure his name to be registered in more than one election ward, or shall cause or procure his name or that of any other person whose name he has procured to be registered, and who is not entitled to vote in the ward wherein such registration is made, or shall falsely personate any registered voter, he shall be guilty of a crime infamous by the laws of the State, and shall be punished for every such offense by fine not exceeding one thousand dollars or imprisonment at hard labor for a term not exceeding two years, or both, in the discretion of the court.

Punishment.

Sec. 30. If any person be challenged as having been convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any question in relation to such alleged conviction, but his answers to such questions shall not be used against him in any criminal prosecutions; but if any person so convicted shall vote at the election without having been restored to the rights of citizenship, he shall be guilty of an infamous crime and punished by a fine not exceeding one thousand dollars, or imprisoned at hard labor not exceeding two years, or both.

Persons challenged as for conviction of crime.

Felony.

Punishment.

Sec. 31. That the judges of election shall in no case receive the vote of any person unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim the right to vote, they shall have power to examine such person and any other person or persons under oath or affirmation touching such right; and if any judge of election shall receive or assent to receive the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such person shall not be qualified and entitled to vote, such judge of election so receiving or assenting to receive such a vote shall be deemed to have received the same knowing it to be illegal.

Powers and duties of judges of election.

Sec. 32. That the registrar and judges of election in each ward shall respectively possess full power and authority to maintain order and to enforce obedience to their lawful commands during their sessions, respectively, and shall be constituted inferior courts for that purpose; and if any person shall refuse to obey the lawful command of any such registrar or judges of election, or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings, they may, by an order in writing signed by the chairman and attested by their clerk, adjudge the person so offending to be guilty of contempt and commit him to the common jail of the county for a period not exceeding thirty days, and such order shall be executed by the sheriff or constable to whom the same shall be delivered; or if the sheriff or a constable shall not be present, or shall refuse to act, then by any other person who shall be deputed by them, and the keeper of said jail shall receive the person so committed and safely keep him for such a time as shall be mentioned in the commitment.

Powers and jurisdiction of election officers.

Inferior court.

Procedure for contempt.

Sec. 33. If any person shall give away or sell any intoxicating liquors, except for medical purposes and upon the prescription of a practicing physician, at any places within Charlotte Township at any time within twelve hours next preceding or succeeding any public election under this act or during the holding thereof, he shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than one thousand dollars.

Sale or gift of liquors forbidden.

Punishment.

Failure to perform duty misdemeanor.

Sec. 34. If the Clerk of the Superior Court, Board of Aldermen of the City of Charlotte or any member thereof, chairman of the board of county commissioners or any member of such board, or any election officers required by this act to perform any duties pertaining to said election shall willfully fail or refuse to perform any duty or do any act required to be done by him or them under the provisions of this act, he shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court.

Punishment.

Penalty for refusal to qualify.

Sec. 35. That any person elected mayor, alderman or schol commissioner who shall refuse to be qualified as such shall forfeit and pay to the equal use of the city and of him who will sue therefor the sum of twenty-five dollars.

Law applicable to all elections.

Sec. 36. That the provisions hereinbefore made for holding the elections of the mayor and board of aldermen shall apply to the holding of all other city elections, including elections in regard to intoxicating liquors.

Duties of mayor.

Sec. 37. The mayor shall be the chief executive officer of the city. He shall be active in enforcing the laws and ordinances of the city, and shall have power to appoint special policemen for any special occasion, and to call upon the local military under an order of the Governor of the State for the suppression of any riot or public disturbance.

To sign contracts and administer oaths.

Sec. 38. He shall sign all written contracts or obligations of the city, and no contract of the city required to be in writing shall be binding upon the city until signed by the mayor. He shall have authority to administer oaths in any transactions or proceedings connected with the city government, and all official oaths of the commissioners, policemen or other officers of said city may be administered by the mayor.

To approve bonds.

Sec. 39. It shall be the duty of the mayor to approve all bonds required by law to be given by any city official or by any contractor for public work, and in case he should object to the security thereon, new and approved security shall be given before such bond shall be received. Where the security on any such bond shall become insufficient or insolvent, he shall require new and additional security.

To require exhibition of books and papers.

Sec. 40. The mayor shall have authority to require any officer of the city to exhibit his official books and papers, and the refusal of any officer when so required shall be deemed a forfeiture and the abandonment of said office. By the consent of the board of aldermen, he may employ experts to examine the affairs of any department of the city when he deems it necessary; and in all cases of investigation of such department, or of any charges against any officer or employee of the city, he shall have the power to administer oaths, subpœna and compel the attendance of witnesses and the production of books and papers.

To employ experts.

Sec. 41. He shall from time to time give the board of aldermen information about the condition of city affairs and recommend for consideration such measures as he deems best for the city; and he may exercise such other powers and perform such other duties as may be required by the board of aldermen, not inconsistent with this charter. Information and recommendations.

Sec. 42. It shall be the duty of the mayor to preside at all meetings of the board of aldermen, regular and special, and at all meetings of committees and executive boards of which he is *ex officio* chairman; but in all such meetings he shall have no vote except in case of a tie. When the mayor is absent from the city, or is unable for any cause to perform his duties, the mayor *pro tempore* shall be the acting mayor. To preside at meetings. Mayor pro tem.

Sec. 43. That whenever the mayor shall deem it necessary, the members of the several departments of the city shall meet with him, at the time and place designated by said mayor, for consultation and advice upon the affairs of the city. Meetings for consultation and advice.

Sec. 44. That on and after the first Monday in May, one thousand nine hundred and seven, the salary of the mayor of said city shall be fixed by the board of aldermen, and shall not be more than two thousand dollars nor less than twelve hundred dollars per annum, to be paid monthly by the city treasurer, and the mayor shall receive no other compensation whatever for his services. Salary of mayor.

Sec. 45. That upon the day following his election, or as soon thereafter as practicable, the mayor shall take the following oath: "I do solemnly swear that I will, to the utmost of my power, support, advance, protect and defend the good order, peace and welfare of the city of Charlotte and its inhabitants, and will faithfully demean myself in the office of mayor for the said city, according to the ordinances and regulations thereof, to the best of my skill and judgment; I do swear that I will support the Constitution of this State; I do also swear that I will support the Constitution of the United States." Mayor to qualify. Form of oath.

Sec. 46. That the aldermen of said city, when elected as hereinbefore provided, shall hold office for a term of two years and until their successors are elected and qualified. They shall form one board, and a majority of the board duly assembled shall be competent to perform all the duties prescribed, unless otherwise provided. At their first meeting after election they shall fix stated days of regular meeting for their term, which shall be as often, at least, as once in every month. They shall also elect, for their term, a mayor *pro tempore*, whose duty it shall be to preside at their meetings in the absence of the mayor. Special meetings of the board may also be held on the call of the mayor, or of a majority of the aldermen, and of every such meeting, when called by the mayor, all the aldermen then in the city shall be notified, Term of aldermen. To form one board; quorum. Regular meetings. Mayor pro tem. Special meetings.

and when called by a majority of the aldermen, such as shall not join in the call shall be notified. In case the office of mayor should become vacant by resignation, death or otherwise, the board of aldermen shall elect his successor for the unexpired term.

Vacancy in office of mayor.

Power to make ordinances.

Sec. 47. That the board of aldermen shall have power to make, and provide for the execution thereof, such ordinances for the government of the city as it may deem proper, not inconsistent herewith or with the laws of the land.

Aldermen to control finances.

Powers.

Sec. 48. That the board of aldermen shall have control of all the finances and of the property, real and personal, belonging to the city, and among the powers hereby granted shall have power and authority, by ordinances duly enacted:

To provide for payment of debts.

(1) To provide for the payment of any existing indebtedness and of any obligation that may from time to time be made by the city, and to appropriate funds for that purpose.

In relation to streets.

(2) To establish, construct and keep in repair streets, sidewalks, bridges, culverts, drains and conduits in the city; to regulate the construction and use of same, and to abate or punish any obstruction or encroachment thereon.

In relation to excavations on streets or sidewalks.

(3) To prevent excavations on any street or sidewalk, unless by permission of the board, or except under the direction of the city engineer; to prescribe and exact fees for such privilege, and to require deposits as guarantees of the proper restoration of such street or sidewalk.

In relation to lights.

(4) To provide for the lighting of the streets, public grounds and public buildings, and for furnishing light to the citizens of said city, by contract or otherwise, and to erect, own and operate machinery, fixtures, appliances and appurtenances of every nature whatever necessary for said purposes.

In relation to railroad and street railway companies.

(5) To regulate the speed of all railroad trains, street cars and locomotives within the city, and their stops at street crossings; to require said companies to keep the streets through which they run in repair, and to require all railroad companies or street railway companies to light the streets over or across which their trains or cars are operated, whenever deemed necessary; to prescribe the kind of light to be used, and to levy special taxes or assessments upon them for street improvement in the same manner as against abutting property owners.

In relation to street crossings.

(6) To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary.

In relation to laying and construction of tracks.

(7) To regulate and control the laying and construction of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in repair. To regulate and control the location of

cable and street railroad tracks and all steam railroad tracks, and to require railway companies of all kinds to construct at their own expense such bridges, turnouts, culverts, crossings and other things as the board of aldermen may deem necessary.

In relation to steam engines.

(8) To control and regulate the location and use of steam engines in the city, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

In relation to motor vehicles.

(9) To regulate the use of automobiles, motor cars, motor cycles or any motor vehicles; to issue permits for the use of such vehicles, and to require the same to be numbered.

In relation to food inspection.

(10) To provide for and regulate the inspection and quality of everything to eat and drink offered for sale in said city.

In relation to dairies.

(11) To provide for the inspection of all dairies inside and outside of the city limits, doing business within the city, and charge and provide license fees; to regulate and maintain a standard for the quality of milk sold in the city and provide for penalties for the violating thereof.

In relation to slaughter-houses and fresh meats.

(12) To regulate, license or prohibit the business of slaughtering animals in the city limits; to revoke such license for malconduct in business; to regulate and license the sale of fresh meats, and to license and regulate or prohibit slaughter-houses which furnish meats to markets within the city.

For enforcement of cleanliness.

(13) To require any owner or occupant of any dairy, grocery, blacksmith shop, stable or slaughter-house to cleanse, repair or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

In relation to markets.

(14) To establish markets and market places, and provide for the government and regulation thereof.

In relation to public grounds and animals running at large.

(15) To establish and regulate public grounds, and to regulate, restrain and prohibit the running at large of horses, cattle, sheep, swine, goats, dogs and other animals in the city, and to authorize the impounding and sale of the same for the costs of the proceedings and penalty incurred, and to order the destruction of such as cannot be sold, and to impose penalties on the owners or keepers thereof for violation of any ordinance; and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto, if provisions of the ordinance have been complied with.

For the observance of Sunday and maintenance of order.

(16) To pass ordinances for the due observance of Sunday and for the maintenance of order in the vicinity of churches and schools.

In relation to fire department.

(17) To establish and own stations and other property for a fire department for extinguishing fires, and to provide everything necessary for the regulation and maintenance of such department.

Fire limits.

(18) To establish fire limits, and prohibit the erection, building, placing, removing or repairing of wooden buildings within

said limits; to prohibit the removal of any wooden building from one place to another within said limits, and require all buildings within said limits to be constructed with fire-proof material; also to prohibit the repairing of wooden buildings within said limits, when the same shall have been damaged one-third of their value, and to provide the mode of ascertaining such damage; also to declare all dilapidated wooden buildings which it deems dangerous on account of fire nuisances, and to require the same to be removed in such manner as the board may direct.

For inspection and regulation of buildings and erection of poles.

(19) To provide for an inspection of the construction of all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles in the city, and to cause the same to be changed, whether telegraph, telephone, electric light or otherwise.

For inspection of buildings and premises.

(20) To authorize one or more officers, agents or employees of the city to enter in and upon all buildings and premises within the city to inspect and discover whether the same are dangerous on account of fire or in an unclean state; to cause all defects to be remedied and filth and trash to be removed, and to establish such regulations for the prevention and extinguishment of fires as it may deem expedient.

Fire escapes.

(21) To require the construction of suitable fire escapes on or in hotels, lodging houses, factories and other buildings, whether now built or hereafter to be built.

In prevention of dangerous constructions.

(22) To prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stove pipes, boilers, furnaces and other heating apparatus, and to cause the same to be removed and made safe; and to prevent nuisances on account of dense smoke from such furnaces.

Doors and stairways in public buildings.

(23) To regulate the size, number and manner of construction of doors and stairways of theaters, tenement houses, audience rooms, public halls and all buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exit in case of fires.

Nuisances.

(24) To define what shall be nuisances in the city, and to abate them by summary proceedings, and to punish the authors thereof by penalties, fines or imprisonment.

Crematories.

(25) To establish one or more crematories, and to provide for the removal of all filth, carcasses of dead animals and other unhealthful substances for cremation, and to require the owners and occupants of all premises to keep them in a cleanly condition.

Drains, sinks and privies.

(26) To require the owners of private drains, sinks and privies to fill up, cleanse, drain, alter, relay, repair, fix and improve the same as they may be ordered by ordinances, and to impose penalties upon persons failing to do the same. If there be no person in

the city upon whom such order can be served, the city can have such work done, and the costs of the same shall be a lien on the property and taxed up against it and collected in such manner as the board may determine.

(27) To establish one or more cemeteries, and to regulate the burying of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and to impose penalties on physicians, undertakers, sextons and others for any default in the premises. Cemeteries.

(28) To establish systems of sewerage and works for sewerage disposal, and to extend and build the same beyond the corporate limits when deemed necessary. Sewerage.

(29) To provide for taking an enumeration of the inhabitants of the city, and it shall be the duty of the Governor of the State, whenever the board shall by resolution so request, to appoint a commissioner who shall supervise such enumeration, and whose compensation, together with all the expenses of such enumeration, shall be paid in such manner as the board of aldermen may provide. Enumeration of inhabitants.

(30) To prescribe fines, forfeitures and penalties for breach of any ordinance enforcing the powers granted in this charter, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. Fines, forfeitures and penalties.

Sec. 49. That for the violation of any ordinance made by said board of aldermen, it may prescribe penalties not exceeding fifty dollars for each offense, to be recovered before the recorder without stay of process, mesne or final, and when judgment shall be given for any such penalty, the party convicted may, unless the penalty and costs be paid, be immediately committed to jail for the space of thirty days or until payment thereof shall be made. Limit of penalties. Commitment in default of payment.

Sec. 50. That all penalties incurred by any minor for the breach of the provisions of this act or any ordinance passed in pursuance thereof shall be recovered from the parent, guardian or master (if the minor be an apprentice) of such minor. Penalties incurred by minors.

Sec. 51. That it shall be unlawful for any mayor, alderman, commissioner, member of any executive board or other officer of said city, directly or indirectly, to become a contractor for work done for the city, or to become, directly or indirectly, personally interested in or receive profit from any purchase of supplies for any department of said city; and any such person so offending shall be guilty of a misdemeanor. Officers of city not to be interested in contracts. Misdemeanor.

Sec. 52. That the Board of Aldermen of the City of Charlotte, at its first meeting after its election in May, one thousand nine hundred and seven, and its successors in office every two years thereafter, shall elect a recorder for said city, whose term of office shall continue for two years and until his successor has been duly elected and qualified. In case of a vacancy in said Election of recorder. Term of office. Vacancy.

office, the board of aldermen shall elect another recorder to fill out the unexpired term: *Provided*, that this act shall not in anywise interfere with, abridge or invalidate the powers, duties, rights and privileges of the present recorder of said city until his successor is elected and qualified as prescribed in this act.

Proviso: present recorder.

Oath of office.

Sec. 53. That said recorder shall be an *ex officio* justice of the peace, and before assuming the duties of his office shall take the usual oath required by law to be taken by justices of the peace, and also an oath to honestly and faithfully perform the duties of his office.

Jurisdiction of recorder.

Sec. 54. That said recorder, while acting as such, is hereby constituted an official court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said city which are now or may hereafter be given by law to justices of the peace, and shall also have jurisdiction to hear, try and determine all misdemeanors consisting of a violation of the ordinances of said city; and he shall also have jurisdiction to hear, try and determine all actions or proceedings for the recovery of any fine, penalty or forfeiture for the violation of any ordinance now in force, or which may hereafter be enacted by the board of aldermen of said city.

Salary of recorder.

Sec. 55. That the salary of the recorder shall be fixed by the board of aldermen, and shall not be more than eighteen hundred dollars or less than one thousand dollars per annum, to be paid monthly by the city treasurer, and he shall receive no other compensation for his services, but all fees taxed as his costs shall be collected as provided by law, and shall be paid to the treasurer of said city.

Fees.

Suspension of policemen on complaint of recorder.

Sec. 56. Upon written complaint made to the mayor by the recorder that the chief or any member of the police force has failed or refused to perform any duty required of him by law, it shall be the duty of the mayor to immediately suspend such officer from service until the board of public safety shall meet and take action in the matter.

Precepts.

Sec. 57. That the precepts of the recorder shall be executed by any officer of the police force of said city or by any constable or other lawful officer of Mecklenburg County, within that county.

Right of appeal.

Sec. 58. That section one thousand four hundred and fifty-five of the Revisal of one thousand nine hundred and five of North Carolina, shall not be construed to apply to proceedings or trials, whether criminal or civil, by and before the recorder, but the defendant in all such cases shall have the right to appeal to the Superior Court of Mecklenburg County.

Substitute recorder.

Sec. 59. That in case the recorder is absent from the city or sick, or for any reason temporarily unable to hold his court, the mayor shall, on such fact being made known to him, designate

some justice of the peace or attorney to hold the recorder's court during his sickness or absence.

Fees. Sec. 60. That said recorder's court shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as recorder: For every warrant issued by him for the recovery of any penalty or for other cause of action, one dollar; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as recorder to apprehend an offender against the criminal laws of the State, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed, on submission or conviction, among other costs; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of the offender by such as may carry him away. That the same fees shall be taxed as costs to the chief of police on the service or execution of all precepts or process issued by said recorder's court or others as are taxed under the laws of the State to sheriffs and constables for like service.

Fees of police.

Fines and penalties paid into city treasury. Sec. 61. That all fines and penalties which are or may be imposed by the ordinances of the city of Charlotte or the laws of the State, when recovered before the recorder, shall be paid by the chief of police into the city treasurer's office, accompanied by an itemized statement showing when and from whom received, and whether imposed or collected by way of fines, cost or otherwise; and it shall be the duty of the city treasurer to enter upon a book kept for that purpose by him a full and detailed statement of all moneys received by him on such accounts.

Accounts.

Election of clerk and treasurer and tax collector. Sec. 62. That at the first meeting of the board of aldermen after its election, or as soon thereafter as practicable, it shall elect a city clerk and treasurer, a city tax collector and such deputies or assistants as it may deem necessary, who shall hold their offices, respectively, during the term of the board electing them and until their successors are elected and qualified; subject, however, to be removed at any time, and others appointed in their stead, for misbehavior or neglect in office. Before acting as such, each of said officers shall take an oath before the mayor to faithfully discharge the duties required of him by the board of aldermen; and each shall execute a bond in such an amount as the board may require, with security to be approved by the board. The bonds required of the clerk and treasurer and tax collector shall be renewed every year.

Terms.

Removal for cause.

Officers to qualify.

Bonds.

Salary of clerk and treasurer. Sec. 63. That the clerk and treasurer shall have a fair and reasonable salary, to be fixed by said board, and it shall be his duty to keep regular and fair minutes of the proceedings of the board of aldermen and of all the executive boards of which he is made *ex officio* clerk, and to preserve all books, papers and other articles committed to his care during his continuance in

Duty.

office, and deliver them to his successor. He shall receive and faithfully keep all moneys which shall be paid to him for the use and in behalf of said city, and disburse the same according to an order given in obedience to the ordinances of said board appearing on its minutes. He shall keep a fair and correct account of all moneys so received and disbursed by him, in a book kept for that purpose, showing from what source money is received, and for what purpose paid out, and he shall submit said account to said board whenever required. He shall pay to his successor all moneys in his hands belonging to said city, and faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said board.

Salary of tax collector. Power and authority.

Sec. 64. The city tax collector shall have a fair and reasonable salary, to be fixed by the board of aldermen, and shall be vested with the same power and authority in the collection of taxes that sheriffs have, and subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax list as due for city taxes. He shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll tax and taxes on personal property certified by the clerk of the commissioners of the county, by order of the board of county commissioners, to be insolvent and uncollectible.

To pay in weekly.

He shall at no time retain in his hands over two thousand dollars for a longer time than seven days, under a penalty of ten per cent. per month to the city upon all sums so unlawfully retained. The board of aldermen, at a meeting before the last regular meeting in each year, shall appoint one or more of its number to be present and assist at the accounting and settlement between

Audit and settlement of accounts.

the tax collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by it shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said board to remove any tax collector who shall fail to settle and duly pay up the taxes by law due from him, and he shall not be eligible to re-election to said office.

Orders on clerk and treasurer.

Sec. 65. That all orders drawn on the clerk and treasurer by any of the executive boards of the city shall be signed by the executive officer of the department in which said order originates, and countersigned by the mayor, and shall state the purpose for which the money is applied, and the clerk and treasurer shall specify said purposes in his accounts, and also the sources whence

Proviso: powers of aldermen.

are derived the moneys received by him: *Provided, however*, the board of aldermen may by ordinance establish rules for management of the city revenues and for payment of all claims on which the city may be liable.

Assistant tax collector.

Sec. 66. That whenever the board of aldermen shall deem it necessary to elect an assistant tax collector, his duties shall be to assist the collector in collecting all taxes and licenses due the city, and to perform such other duties connected with the office as may be required of him by the collector, the mayor or the finance committee; and he shall be elected for such term, give such bond and receive such compensation as the board may determine.

City clerk.

Sec. 67. That whenever the public business shall require it, said board may establish the office of city clerk, separate from that of city treasurer, and shall define his duties; but until then the clerk and treasurer, where required by the provisions of this act to discharge the duties of *ex officio* clerk of any of the executive boards of the city, shall upon the recommendation of such boards be allowed such assistants and such additional compensation for the proper discharge of said duties as the board of aldermen may determine.

City attorney. Term. Duties.

Sec. 68. That at the first meeting of the board of aldermen after its election or as soon thereafter as practicable, it shall elect a city attorney, who shall hold office during the term of the board electing him, and whose duties shall be to attend to all cases in any court of this State and of the United States, wherein the city or any of its departments may be a party in interest, unless the board should otherwise provide; to draw all ordinances and contracts referred to him, and to inspect and pass upon all papers and documents involving any interest of the city. He shall be the legal adviser of the mayor, the board of aldermen or any committee thereof, of all the executive boards and all officers of the city upon legal questions touching their official duties. But nothing in this section shall be held to prohibit the employment of an assistant attorney and the payment to said city attorney and to such assistant of such compensation as the board shall deem proper.

Assistant attorney.

TAXES.

Taxing powers.

Sec. 69. That in order to raise a fund for the expenses incident to the proper government of the city, the board of aldermen may annually levy and collect the following taxes, viz.: (1) On all real and personal property within the corporate limits and on all personal property owned by residents of said city, including money on hand and solvent credits, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding one dollar on every hundred dollars value. (2) A poll tax not exceeding three dollars a poll on the taxable polls of all persons who may be residents in the city on the first day of June of each year.

Property tax.

Poll tax.

Advertisement for listing taxes.

Sec. 70. That the city clerk and treasurer, on the third Monday in May of each and every year, shall make advertisement in some newspaper published in the city, notifying all persons who own or

have control of property liable to taxation by the city on the first of June to return to him on or before the last day of June a list of their said taxable property; said list shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city; and the list so returned to the clerk and treasurer shall be sworn to before him in every case, and he is hereby authorized to administer the following oath: "I, A. B., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me in said city, a full and accurate list of all personal property, of Mecklenburg County bonds and a full and accurate list of all other stocks, bonds, income, solvent credits and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information and belief. So help me, God."

Lists to state.

Oath of tax-lister.

Tax books.

Sec. 71. That from the returns so made the clerk and treasurer shall, within thirty days after the expiration of the term for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of the property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State taxes. And the said clerk and treasurer shall copy in said book the assessments made by the board of township assessors of all property within the city limits; which assessment may be revised, corrected or amended by the board of aldermen.

Assessments.

Lists of delinquents.

Sec. 72. That the clerk and treasurer shall, within thirty days from the return of the tax list, make out to the best of his knowledge and belief, by comparing his book with the returns made to the board of township assessors, and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said city, who shall have failed to return a list in the manner and time aforesaid, and said persons so listed shall forfeit and pay a sum to be fixed by the board, not exceeding twice the amount of their tax; which penalty may be recovered as other fines and penalties imposed by the board of aldermen, before the recorder or any justice of the peace.

Forfeit for failure to list.

Alderman to levy taxes.

Sec. 73. That as soon as the clerk and treasurer shall have furnished the assessment roll as provided, and the same shall have been revised by the board, the board of aldermen shall proceed to levy the taxes on such subjects of taxation as it may choose, and shall place the tax list in the hands of the collector for collection; who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer; and the collector for his compensation shall receive not exceeding two per cent. on the amount collected.

When taxes due.

Compensation of collector.

Collection by distress.

Sec. 74. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personalty, and of thirty days if the property be realty.

Sale of real estate.

Sec. 75. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at the court-house door by the collector, after advertising for thirty days in some newspaper published in the city, which the collector shall do. And the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many parts as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole. And if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city, and, if not redeemed as hereinafter provided, shall belong to said city in fee.

Process of sale.

Report of collector.

Sec. 76. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided and the purchaser or purchasers thereof and the price of each, which shall be entered on the book of proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the city treasury subject to the demand of the owner.

Surplus.

Power of redemption.

Sec. 77. The owner of any land sold under the provision of this charter and amendments, or any person acting for him, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds less double the amount of taxes.

Conveyance of unredeemed property.

Sec. 78. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns by a deed signed by the tax collector, attested by the city clerk and treasurer, and with the corporate seal attached; and the recitals in such conveyance shall be conclusive evidence that the tax collector has complied with all the requirements of this charter necessary to

make the sale valid, and the deed shall be presumptive evidence that the taxes for which the property was sold were due and unpaid.

License taxes.

Sec. 79. That in addition to subjects listed for taxation the aldermen may levy a tax on the following subjects; the amount of which tax, when fixed, shall be collected by the tax collector immediately, and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner be forthwith levied upon and sold to satisfy the same, viz.:

Peddlers.

I. Upon all itinerant merchants or peddlers selling or offering to sell in the city, a tax not exceeding fifty dollars per year, except such only as sell books, charts or maps, and such as sell only goods, wares and merchandise and other productions of the growth or manufacture of this State; but not excepting vendors of medicine by whomsoever manufactured.

Tables for games.

II. On every bowling alley, and every billiard table, and every bagatelle table, and every pool table, and every other table or gambling contrivance, the object of which is gain, and for the use of which a charge is made, a tax not exceeding two hundred dollars, reserving the right to remove it or them at any time as a nuisance.

Eating houses and restaurants.

III. On all keepers of eating houses or restaurants, fish or meat or vegetable or bread stands or fruiterers, a tax not exceeding one hundred dollars a year.

Circus riders.

IV. Upon every company of circus riders who shall exhibit within the city or within one mile thereof, a tax not exceeding three hundred dollars for each day, the tax to be paid before the exhibition, and if not, to be double.

Stage plays.

V. Upon every person or company exhibiting in the city or within one mile thereof stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing or menagerie, a tax not exceeding two hundred dollars for every day they exhibit.

Artificial curiosities.

VI. Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the city or in one mile thereof, a tax not exceeding fifty dollars, to be paid in advance.

Other shows and concerts.

VII. Upon each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not exceeding twenty dollars, to be paid before exhibiting.

Goats and hogs.

VIII. Upon every goat or hog running at large in the city there may be levied a tax not exceeding ten dollars, and every such goat or hog may be seized or impounded, and if the owner on being notified will not pay the tax, the animal shall be sold therefor, after three days' notice at the court-house.

IX. On every four-horse omnibus, a tax not exceeding fifty dollars; on every two-horse omnibus, a tax not exceeding forty dollars. Omnibus tax.

X. On every dray or express wagon drawn by one or two horses, a tax not exceeding twenty-five dollars; if drawn by more than two horses, a tax not exceeding fifty dollars. Drays and express wagons.

XI. On all carriages, buggies, sulkies and other vehicles used in the city for the carriage of persons or for pleasure, a tax not exceeding fifteen dollars. Vehicles.

XII. On every dog, a tax not exceeding ten dollars: *Provided*, that a discrimination may be made within this limit of the different species and sexes of dogs. Dogs.

Sec. 80. That taxes for city purposes shall be levied on all real and personal property, trades, professions, franchises, licenses and other subjects of taxation, as provided in section three, article five, of the State Constitution. That all moneys arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the aldermen. Trades, professions and franchises. Appropriations.

Sec. 81. That the board of aldermen shall have the power to graduate any of the license taxes levied on trades or business by dividing the business into classes according to size, patronage or income: *Provided*, the said taxes must be uniform for all in a class. Graduated license tax. Proviso: license uniform to class.

Sec. 82. That any person carrying on or practicing any business, profession, trade or avocation of any kind in said city, upon which a license tax has been levied by said board, without first having obtained a license therefor, shall be guilty of a misdemeanor. Doing business without license a misdemeanor.

Sec. 83. That it shall be the duty of the board of aldermen in their levy of taxes to make provision for paying the interest on the bonded debt of the city and for the payment of said bonds as they fall due; but no owner of past due bonds shall be paid interest thereon, after advertisement in some newspaper to present the same to the city treasurer for payment. Interest on city debt.

Sec. 84. That said board of aldermen, at any meeting prior to the month of August in each year, may at its discretion appoint a board of assessors or equalization for said city, with power to administer oaths, consisting of not less than three nor more than five freeholders, resident tax-payers of said city, whose duty it shall be, during the month of August of the year in which they are appointed as above set out, to carefully review and justly revise the tax lists hereinbefore mentioned, and correct any inequalities or errors appearing therein, either by reducing or increasing the assessment for taxation of any property listed thereon, or by supplying omissions therefrom, or by amending same in any other proper and just manner; said corrected or amended list, however, to be used as a basis only for municipal taxation, and the original or uncorrected list to be used for Board of equalization. Duty.

taxation for county and State purposes without change, except as provided by the State Revenue Law, until the next general assessment of property for taxation for the State of North Carolina. To the end that a just assessment of all property in said city for municipal taxation may be had, said board of assessors hereinbefore in this section provided for may have its term of service extended as to the board of aldermen of said city may appear proper and necessary, and is hereby invested with full power and authority to summon and examine on oath any tax-payer in said city in regard to any property of said tax-payer which is or may be liable to municipal taxation; to subpœna and examine witnesses as may be thought proper, and to send for persons and papers: *Provided, however*, before the assessment of any tax-payer in said city shall be raised, notice of five days shall be given such tax-payer, who shall have an opportunity to be heard before the final decision of such matter.

Proviso: notice to tax-payer.

List to be preserved and recorded.

Sec. 85. That said board of aldermen shall preserve said list mentioned in the preceding section hereof among its records, and shall, immediately after its approval of the same, cause to be made a copy of so much and such parts thereof as may be required for the use of the tax collector in collecting the taxes of said city; said copy, or said copy amended, modified or changed as hereinbefore provided, shall be delivered to said tax collector on or before the first Monday in September in each year, and he shall receipt for the same. Said city clerk and treasurer shall endorse on said copy an order to said tax collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy respectively.

Order to tax collector.

Property escaping taxation.

Sec. 86. That whenever it shall appear to the Board of Aldermen of the City of Charlotte that property, real or personal, has escaped taxation in the said city for city purposes on account of the failure of the owner of the property to list said property for taxation, or for any other reason, it shall be the duty of the said board to notify the said persons or corporations whose property has thus escaped taxation to appear before it at a time and place mentioned in the notice, and show cause, if any there be, why the said owner should not be charged with the tax on the said property for the year or years during which it escaped taxation. At the time and place mentioned in the notice the board of aldermen shall hear and determine the matter, and if it find that the said property was liable for taxation and was not listed, it shall direct the clerk of the said city to enter upon the tax books against the owner of the said property, who should have listed it, the taxes due for the years it escaped taxation, and the tax thus levied shall be collected as other taxes against the owner who failed to list his property, or whose property was not listed for any cause.

Sec. 87. That from the decision of the board of aldermen the owner may take an appeal to the next term of the Superior Court of Mecklenburg County, and the collection of such taxes shall be stayed pending such appeal, if the owner shall give bond in at least double the amount of the taxes assessed against him, conditioned that he will pay to the city of Charlotte all such judgments as may be had against him in the Superior Court upon such appeal, which bond shall in no case be less than fifty dollars. Right of appeal.

BOARD OF PUBLIC SAFETY.

Sec. 88. That the police and fire department of said city shall continue, as they have been, under the special control of a board of commissioners which shall hereafter consist of the mayor as *ex officio* chairman and eight other citizens from the city at large, six of whom are to hold office for the term for which they have been elected and now hold office as police, fire and health commissioners; and said board, being also vested with the control of the inspection department instead of the health department, as hereinafter provided, is hereby constituted and named the Board of Public Safety for said city. Board of public safety.

Sec. 89. That the board of aldermen of said city, at its regular meeting in June, one thousand nine hundred and seven, shall elect three citizens as commissioners of said board of public safety to hold office for the term of two years, one of whom is to succeed the commissioner whose term shall then expire, and two of whom are made new members of said board of public safety by virtue of this act; that at its regular meeting in June, one thousand nine hundred and nine, and every two years thereafter, said board of aldermen shall elect four citizens as commissioners to succeed those whose terms shall then expire, and to hold office for a term of two years, to the end that as the terms of those now holding office shall expire, their successors shall be elected, each for a term of two years. Election of board.

Sec. 90. That from and after the first Monday of June, one thousand nine hundred and seven, the clerk and treasurer of the city shall be *ex officio* clerk of said board of public safety, and for his services as such shall receive such compensation as shall be fixed by the said board. He shall keep the minutes of its proceedings, preserve all reports made to it and made by it, keep a detailed account of its receipts and expenditures, and perform such other duties as the board of public safety shall prescribe. Clerk of board. Compensation. Duty.

Sec. 91. That each commissioner of said board, before entering on the duties of his office, shall, in addition to the official oath required by the State Constitution, take the following oath: "I swear that I will faithfully and impartially demean myself as a member of the Board of Public Safety during my continuance in office; that I have not, in order to influence my election to this Oath of commissioners.

office, directly or indirectly, promised my vote or support to any person for any office in the city of Charlotte or for any other office; that I will not knowingly permit my vote in the election or appointment of any person to any position or employment in the Police, Fire and Inspection Departments of the city to be influenced by fear, favor or affection, reward or the hope thereof, but in all things pertaining to my said office I will be governed by my convictions of public duty." His oath when taken shall be entered in the minutes of the proceedings of the board, and the original shall be filed in the office of the city clerk and treasurer.

Oath to be recorded.

Vacancies.

Sec. 92. That when any commissioner of said board of public safety shall refuse to qualify, or, after qualifying, shall resign, cease to be a qualified voter of the city of Charlotte, become a candidate for any office, Federal, State or municipal, or become physically or mentally disqualified to serve, his office on said board shall become vacant, and shall be filled by the Board of Aldermen of the City of Charlotte at its next regular meeting after such vacancy occurs. That any commissioner of said board of public safety may be removed at any time by a vote of two-thirds of all the members of the Board of Aldermen of the City of Charlotte in meeting assembled, for good cause shown upon proper charges and specifications made and proved; and all vacancies created by removal or resignation shall be filled by said board of aldermen for the unexpired term.

Commissioners named as candidates for other office.

Sec. 93. That when any commissioner of said board of public safety shall be named as an applicant or candidate for office, the secretary of said board shall notify him in writing that his name is mentioned in connection with such office; and if he shall not within ten days after receipt of said notice, file with the secretary or chairman of said board of public safety his statement in writing that he is neither a candidate nor applicant for such office, and that he will not serve nor accept it if elected or appointed, the said board of public safety at its next meeting shall declare vacant his place, and report such vacancy to the board of aldermen.

Votes of commissioners.

Sec. 94. That each commissioner of said board shall be entitled to one vote on every question for decision, and the board may determine the manner in which any vote may be taken on any question brought before it. The said board shall adopt rules for its proceedings, and shall also promulgate and enforce proper rules, regulations and orders for the good government of the police and inspection departments; and in any investigation pertaining to said departments shall have power to send for persons and papers, and by its presiding officer to administer an oath: *Provided*, that such rules and regulations shall not in any way conflict with any ordinance of the board of aldermen.

Rules of proceedings.
Further powers.

Powers of board.

Sec. 95. That said board of public safety shall have power to elect or appoint all officers and employees necessary for the

administration of the police, fire and inspection departments of said city, to make all contracts for the compensation of such officers or employees, and to purchase necessary apparatus, implements and supplies for each of said departments: *Provided*, that the total expenditures of all of said departments in any one year shall in no case exceed the sum appropriated by the board of aldermen for that year. Said board shall also have power to designate and fix the location of all fire alarms and alarm stations in the city, and, with the consent of the board of aldermen, to establish additional engine stations, and to increase the number of companies in the fire department, as from time to time it may deem necessary.

Applications for election.

Sec. 96. No person shall be elected to any office, place or employment by it except upon a written application, in which shall be stated the following facts: First, full name and residence of applicant; second, nationality; third, age; fourth, place of birth; fifth, health and physical capacity for public service; sixth, previous employment in public service; seventh, business or employment and residence for the previous five years; eighth, education; ninth, such other information as may be reasonably required by said board touching the applicant's fitness for public service.

Rules prescribed by board.

Officers removable for cause.

Sec. 97. That said board of public safety shall make all proper and necessary rules to govern its officers and employees and to regulate promotions and removals in accordance therewith; and no person shall be appointed or retained in any office, place or employment by said board who is incompetent, neglectful of duty or guilty of drunkenness or immorality.

Terms of officers.

Sec. 98. That from and after the passage of this act, every officer of said departments shall be elected for a term of one year, and shall take an oath for the faithful performance of his duties and subscribe the same before the mayor.

Powers of chiefs to suspend subordinates.

Sec. 99. The chief of each department shall have exclusive power to suspend any of the assistants, officers or employees in his department and under his management and control for incompetence, neglect of duty, absence without leave, immorality, drunkenness, failure to obey orders given him by the proper authority, or for any other reasonable and just cause; and if any such officer or employee be suspended as herein provided, the chief of the department shall forthwith certify such fact in writing, together with the cause of such suspension, to the board of public safety, which shall within five days from the receipt of the same proceed to inquire into the cause of such suspension and render judgment thereon, which shall be final.

Certificate to board of public safety.

Mayor to suspend chiefs of departments.

Sec. 100. The mayor shall have the exclusive power to suspend the chief of either of said departments for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given him by the proper authority, or for any other reasonable and just cause. In the event that the chief of either of said departments

Suspension to be reported to board of public safety.

shall be suspended as herein provided, it shall be the duty of the mayor forthwith to certify such fact, together with the cause of such suspension, to the board of public safety, which shall, within five days from and after the date of the receipt of such notice, proceed to hear said charges and render its judgment thereon, which shall be final.

Board to submit estimates.

Sec. 101. That it shall be the duty of the board of public safety once in each year, and oftener if deemed necessary, to submit to the board of aldermen in writing a classified estimate of what funds will be needed for the proper maintenance of said departments, and to request the board of aldermen to make appropriations accordingly; and it shall be the duty of the board of aldermen to appropriate annually, upon the recommendation of the board of public safety, such sums of money as said board of aldermen shall deem sufficient for the proper maintenance of said departments, for pay-rolls, expense, equipment and construction.

Aldermen to make appropriations.

Warrants.

Sec. 102. That said board of public safety is authorized and empowered to draw warrants on the treasurer of the city to pay claims against said departments, said warrants to be signed by the chairman of the board, after the same shall have been approved by the board in regular session.

Accounts and reports.

Sec. 103. That said board shall keep, in a separate book for each department, a detailed account of its expenditures, and shall report said account to the board of aldermen at its regular meetings in the months of July and January of each year, with proper papers and vouchers. It shall also report the rules in force in each department, and practical effects thereof, and suggest ordinances for the more effectual accomplishment of the purposes of said department. The board of aldermen may require a report from said board of public safety at any other time.

Exemption of officers.

Sec. 104. That all persons holding office by appointment of said board of public safety shall be exempt from military and jury duty, and from arrest by civil process while in the actual performance of duty in answer to an alarm of fire.

POLICE DEPARTMENT.

Police department.

Sec. 105. The police force of said city shall be composed of a chief of police, an assistant chief of police, sergeants of police and as many officers and patrolmen as shall have been provided by ordinance of the board of aldermen.

Chief of police.

Sec. 106. The chief of police shall be responsible for the discipline and efficiency of the police force. All orders shall pass through him, except so far as the rules, regulations and orders of the board of public safety authorize orders to be given direct to any subordinate on the police force. In addition to the power of dismissal vested in the chief, any member of the force, including the chief, may be removed, suspended or fined by the board

Punishments.

of public safety upon proper cause shown, and in cases where a fine is imposed, it may in its discretion order the same to be deducted from his pay: *Provided*, that in case of emergency the mayor shall have power to appoint additional officers and patrolmen for temporary service, but the length of time for which such additional officers or patrolmen shall be employed shall be limited to the time during which such emergency may exist. Proviso: additional officers and patrolmen.

Sec. 107. The police force shall preserve the peace, protect persons and property and obey and enforce all ordinances of the city and all criminal laws of the State and the United States; and each member thereof shall wear a badge and uniform while on duty, that the people may recognize him as a peace officer. Duty of police. Badge and uniform.

Sec. 108. The chief of police and each member of the police force shall have power and authority to execute process and to preserve the peace within said city. They shall execute all process directed to them by the recorder of said city or other lawful officer in said jurisdiction. Power and authority of policemen.

Sec. 109. The chief of police shall give bond in such sum as the board of aldermen may prescribe for the faithful discharge of the duties of his office and for a faithful account of all money that may come into his hands from fines, penalties and otherwise by virtue of his office. It shall be his duty to attend the recorder's court each day and report any violation of law or ordinance of the city; to collect all fines and penalties imposed and pay the same to the city treasurer; to execute the process and judgments of said court, and to perform such other duties as may be required of him by law and by the rules and regulations of said board. Chief of police to give bond. Other duties.

Sec. 110. The salary of the chief of police shall be fixed by said board of public safety, and shall not be less than twelve hundred dollars and not more than fifteen hundred dollars per annum, and he shall receive no other compensation whatsoever for his services; but all fees now and heretofore prescribed to be taxed as his costs shall be paid to the treasurer of the said city of Charlotte. Salary of chief of police.

FIRE DEPARTMENT.

Sec. 111. The fire department of said city shall be composed of a chief of the fire department and such assistants, foremen, engineers, firemen, call-firemen, station-men, hose-men, laddermen, telephone and telegraph operators as shall have been provided by ordinance of the city. Fire department.

Sec. 112. The chief of the fire department shall be the executive officer of the department, under the direction of the mayor, and shall have exclusive control of the other officers, firemen and employees in the department, under such rules and regulations as Chief of fire department.

Proviso: additional firemen.

may be adopted by the board of public safety: *Provided*, that in case of emergency the mayor shall have power to appoint additional firemen for temporary service; but the length of time for which such additional firemen may be employed shall be limited to the time during which such emergency may exist.

Duty of fire department. Power of mayor or board of public safety.

Sec. 113. The fire department shall protect the lives and property of the people; in case of fire the mayor, or in his absence a majority of the board of public safety, may order the blowing up or pulling down or destroying any house or houses, and no person shall be held liable civilly or criminally for acting in such cases in obedience to such orders.

Police power to firemen.

Sec. 114. The chief of the fire department and his assistants shall have full police powers during fires, and are authorized to make arrests for interference with or obstruction to their operations.

Right-of-way of fire apparatus.

Sec. 115. That in the event of an alarm of fire the apparatus of the fire department shall have the exclusive right-of-way in and upon the streets, alleys, squares and railroad crossings in going to any fire, and at a fire it shall not be lawful for any person whatsoever to interfere with the firemen or their apparatus or appliances in any way.

Property of fire department.

Sec. 116. The board of public safety shall have the exclusive management and control of all the property of the fire department, but shall make no sale or disposition of any property belonging to said department without authority by resolution of the board of aldermen.

INSPECTION DEPARTMENT.

Inspection department.

Sec. 117. That the inspection department of said city shall be composed of a chief building inspector, an electrical inspector, a plumbing inspector and such assistant inspectors as shall be deemed necessary by the board of public safety or shall have been provided by ordinance of the city.

Chief building inspector.

Sec. 118. The chief building inspector shall be the executive head of the department, under the direction of the mayor, and shall have control of the other inspectors and employees in the department, under the rules and regulations to be prescribed by the board of public safety. All of said inspectors shall take an oath for the faithful discharge of the duties of their respective offices.

Inspectors to qualify.

Duties of inspection department.

Sec. 119. That it shall be the duty of said board of public safety, through said inspection department, to inspect all buildings which may be in course of erection or alteration and require inspection according to the building ordinances of the city; to examine and report on the condition of all old buildings within said city; to supervise and inspect all electrical works and appliances used or intended for the use of the manufacture or supplying or receiving of electricity within the city, either for light,

heat, power, telephone, telegraph or signaling systems; to inspect all plumbing work, water fixtures and sewer connections constructed or being constructed in said city, and to require the same to conform to ordinances of the board of aldermen.

Chief building inspector to give bond.

Sec. 120. The chief building inspector shall give bond in such sum as the board of aldermen may prescribe for the faithful account of all money that may come into his hands from fees collected by virtue of his office.

Cotton weighing.

Sec. 121. That the board of aldermen may establish one or more stations in said city for the public weighing of cotton by the Cotton-weigher of Mecklenburg County and such assistant weighers as he may appoint, subject to approval of the board of county commissioners. That said board of aldermen may appoint one or more cotton inspectors for each of said stations, whose duties and compensation may be regulated by ordinance of the city; and the duties of assistant weigher and assistant inspector may be performed by the same person.

Cotton inspectors.

BOARD OF PUBLIC SERVICE.

Board of public service.

Sec. 122. That the board of aldermen of said city, at its regular meeting in the month of June, one thousand nine hundred and seven, shall elect six citizens from the city at large, who shall on Monday next after their election organize as a board to be known as the Board of Public Service, and the mayor shall be *ex officio* chairman thereof. The members of said board shall hold office as follows: Three of said citizens until the first Monday in June, one thousand nine hundred and nine, and until their successors shall be elected and qualified; and three of said citizens until the first Monday in June, one thousand nine hundred and eleven, and until their successors shall be elected and qualified. Upon expiration of the terms of said members of said board of public service, created as aforesaid, their successors shall be elected by said board of aldermen, each for a term of two years and until their successors shall be elected. The mayor shall be *ex officio* chairman of said board.

Election.

Terms of office.

Chairman.

Organization.

Sec. 123. That on Monday next after their election said board shall meet at the City Hall and organize by appointment of committees and election of officers and employees for each department under its supervision. The clerk and treasurer of the city shall be clerk and treasurer *ex officio* and perform all duties required by the rules and regulations of the board.

Clerk and treasurer.

Accounts and reports.

Sec. 124. The said board shall keep a detailed account of all expenditures, and shall report to the board of aldermen at its regular meetings in the months of January and July of each year, with proper papers and vouchers. The mayor or board of aldermen may require a report from said board of public service at any other time.

Street department.

Sec. 125. It shall be the duty of said board of public service to manage and supervise the construction and repair of streets, avenues, alleys, bridges, viaducts, aqueducts, sidewalks, drains, sewers, ditches, culverts, streams and water-courses, the lighting and sprinkling of streets and all public places, and the construction of all public improvements and public works in said city, except as otherwise provided in this act; and the discharge of said duty shall be assigned to the street department.

Transportation department.

Sec. 126. It shall also be the duty of said board to supervise the accommodations furnished the public by railroad companies at passenger stations, depots and street crossings, by street car companies upon their cars and at street crossings and by the owners of public automobiles, carriages and vehicles of every kind; and the discharge of said duty shall be assigned to the transportation department.

Department of public property.

Sec. 127. That said board of public service shall also have the control of all parks, squares, cemeteries, public buildings and other property belonging to the city not otherwise provided for herein; and said control shall be exercised by the department of public property.

Board to submit estimates.

Sec. 128. It shall be the duty of the board of public service annually, and oftener if necessary, to submit to the board of aldermen in writing an estimate of what funds will be needed for the proper maintenance of each department under its supervision, and to request the board of aldermen to make appropriations accordingly; and it shall be the duty of the board of aldermen to appropriate from time to time such sums of money as it shall deem sufficient for the proper maintenance of said departments.

Appropriations.

Powers of board.

Sec. 129. That said board of public service shall have power to elect or appoint all officers and employees necessary for the administration of the departments under its supervision, and to make all contracts for the compensation of such officers or employees, and to purchase supplies for each of said departments: *Provided*, that the total expenditures of all of said departments in any one year shall in no case exceed the sums appropriated by the board of aldermen for that year.

Proviso: limit of expenditures.

Contracts.

Sec. 130. That all contracts made by the board of public service shall be executed by it in the name of the city, and a duplicate copy shall be filed in its office, and a copy with the mayor of the city, and no liability shall be created against the city as to any matters under the supervision of said department except by its express authority. No resolution or order shall be adopted unless concurred in by a majority of the board of public service, and no member or officer or employee of said department shall be interested in any contract under its supervision.

Majority vote.

STREET DEPARTMENT.

Street department.

Sec. 131. That the street department of said city shall be composed of a superintendent of streets, a city engineer and such other employees as the board of public service may deem necessary to execute the duties of the department. Before acting as such the superintendent of streets and the city engineer shall each take an oath for the faithful discharge of his duties.

Officers and employees.

Superintendent and engineer to qualify.

Superintendent of streets.

Sec. 132. The superintendent of streets shall be the executive officer of the department, and shall have the direction of other officers and employees in the department, under rules and regulations prescribed by the board of public service. He shall give bond in such sum as may be fixed by the board of aldermen for the faithful discharge of his duties.

Bond.

Powers of board.

Sec. 133. That said board of public service shall have full power and authority under ordinances of the board of aldermen to grade, pave, macadamize and otherwise permanently improve for travel and drainage any street, sidewalk and public alley of said city; to put down curbing, cross drains and crossings on the same; to lay out and open new streets, or widen those already open, and make such improvements thereon as the public convenience may require.

Sidewalks and streets to be improved.

Sec. 134. That, within the district known as the fire limits of said city, whenever any street shall have been graded, guttered and curbed in whole or in part, including the sidewalks, it shall be incumbent on the owners of the land abutting on said street or part thereof so improved to pave and repave, whenever in the opinion of said board it may be necessary, one-half of the sidewalk on their own side, respectively, the full width across their respective fronts and one-third of the street adjoining with such material and in such manner as the board of public service of said city shall direct: *Provided, however*, that the board of public service, in order to secure uniformity in the work done, may, after giving ten days' notice in the manner herein prescribed to the owner, have all the work provided for herein done by the city forces or by contract, and charge said proportions of the actual cost of such work to the owners of the abutting property, and the said charges shall be a lien thereon as provided herein: *Provided also*, that the city shall, out of its general fund, pay the remainder of said cost and for all street intersections so improved, except that portion of such street and intersections occupied or used by said street railway or other railroad company, which must be assessed and paid as hereinafter provided by the owners and operators thereof.

Proviso: work done by city.

Proviso: payments by city.

Street railway and railroad companies.

Sec. 135. That if any street railroad company or other railroad company have tracks running through or across said street, it shall be incumbent on said company to pave, repave, repair or otherwise improve that part of such street as said board of public

service may prescribe, not exceeding the space covered by its tracks, and for fourteen inches on each side of every line of track now in use, or that may hereafter be constructed by said company: *Provided*, that the board of public service shall have full authority to pave or contract for paving the whole of said space, without giving such street railroad company or other occupant of the street the option of having said space paved by itself or by a contractor at its instance; the object of this section being to prevent any delay in the progress of the work, and to secure a uniform quality of workmanship.

Proviso: work done by city.

Improvement districts.

Sec. 136. That said board of aldermen shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets and sidewalks for permanent improvement beyond said fire limits and of equalizing assessments on real estate to pay the cost of such improvements as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this act for more permanent improvement of all streets beyond said fire limits which have heretofore been macadamized, and all sidewalks abutting thereon, said board of aldermen shall have the power to pass ordinances assessing one-fourth of the cost of paving and repaving all such streets and one-half of the cost of paving and repaving the sidewalks adjoining, within any such district or section laid out for improvement, on the real estate abutting on the street or portion thereof so paved or repaved; and it shall be incumbent on the owners of the real estate abutting on each side of the street or part thereof so improved or repaired to pay the amounts so assessed for such improvement: *Provided, however*, that the board of public service, in order to secure uniformity in the work done, may, after giving ten days' notice in the manner herein prescribed to the owners, have all the work provided for herein done by the city forces or by contract and charge said proportions of the actual cost of such work to the owners of the abutting property, and the said charges shall be a lien thereon as provided herein: *Provided*, that the board of aldermen shall not order such improvement district or section to be laid out until and unless the persons owning land abutting on such streets or public alleys or the portion thereof proposed to be improved, which has more than one-half of the frontage abutting on such streets or public alleys or the portion thereof proposed to be improved, shall in writing request the board of public service to make such improvement; but the nature and kind of the material used in such improvement so made shall be left to the discretion of said board of public service in all cases: *Provided also*, that the city shall out of its general fund pay for the remainder of said cost and for all street intersections so improved, except that portion of such street and intersections occupied or used by any

Contribution from abutting property.

Proviso: work done by city.

Proviso: request for improvements.

Proviso: payment by city.

street railway or other railroad company, which must be assessed and paid as above provided by the owners and operators thereof.

Notice to land-owners.

Sec. 137. That within the said fire limits or within any district or section laid out for improvement as aforesaid, whenever any street shall have been graded, guttered and curbed, and the board of aldermen shall have ordered said improvements to be made, the board of public service of said city shall through the city clerk and treasurer notify the owner or owners of the land fronting thereon to at once pave or repave, as may be required, the sidewalks or streets thereof as the case may be, as hereinbefore provided; and should such owner or owners fail for ten days after such notice to comply therewith, said board of public service, unless it shall extend the time therefor, shall cause said sidewalk or street as the case may be to be so paved or repaved, and shall charge said proportions of the cost thereof against such lots respectively, and cause the same to be entered by the city clerk and treasurer, as the board may determine, in a book to be kept by him for that purpose; and the said clerk shall place in the hands of the city tax collectors of said city immediately copies of such charges, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of said city. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots upon which they are so charged, and if any of them is not paid on demand, so much of the lot upon which it is charged as may be sufficient to pay the same, with interest and costs, for the whole of such lot, shall be advertised and sold by the tax collector of said city for the payment of the same, under the same rules and regulations and rights of redemption and in the same manner as are prescribed in this act for the sale of real estate for unpaid taxes; but said board of aldermen may, in its discretion, divide any such charge in such manner that the same may be paid in three equal annual installments from and after the commencement of such work, with interest thereon at six per centum per annum from the date of such commencement: *Provided, however*, the costs and charges to be assessed against the abutting property as herein mentioned shall in no case exceed the special enhancement or increase in value of said property occasioned by reason of the improvement herein in this section provided for.

Board to pave streets in default of land-owner.

Lien on land.

Sale of property.

Cost paid in installments.

Proviso: limit of costs and charges.

Equalization of assessment.

Sec. 138. That in order to equalize the assessments on real estate for the purpose of improving streets described in the preceding section, said board of aldermen shall estimate the total cost of such improvement made throughout the entire length of such work and improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and

charge to and assess upon the real estate upon each side of the street upon which said work is done its pro rata share of the cost of such improvement made under the provisions of this act: *Provided, however,* in order to avoid obstructing lot owners in subdividing and selling their property by reason of the liens hereby created upon the same, such lot owners may subdivide their lots in such manner as they may see fit, and shall file in the office of the city clerk and treasurer a plot of subdivisions, making the lots fronting on the streets so paved or improved of any desired frontage, but not less than one hundred feet in depth, and the assessments made and the liens created by virtue of this act for street improvements shall thereafter affect and attach to such front lots only, not less than one hundred feet in depth; and where in such cases any lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain charged with its ratable proportion of said assessments and lien according to its frontage. That whenever the said mayor and board of aldermen shall order paving or other improvements to be made on any street or sidewalk or any part thereof in such improvement district or section, the board of public service shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map to be made of the various lots and properties abutting on said street or the portion thereof so proposed to be improved, showing the exact frontage of each lot and also the subdivisions, if any; and the said map shall be filed in the office of the city clerk and treasurer to be subject to public inspection; and when the assessments and liens herein provided for shall have been made upon the various lots and properties on the street, the said city clerk and treasurer shall write upon the said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments, liens and the date and amount of all payments made on any of said assessments and liens: *Provided further,* that no assessment against any piece of property improved as herein allowed shall in any case exceed in amount the special benefit to or enhancement in value of said property by reason of said improvement: *Provided also,* that where any part of such assessment would be chargeable to the city it shall be wholly discretionary with said board of aldermen whether said improvement shall be done or not.

Proviso: subdivision of lots.

Survey and grades.

Map.

Record book.

Proviso: limit of assessment.

Proviso: discretionary power.

Procedure for levying assessments.

Selection of jury.

Sec. 139. That in order to determine the special benefits and levy the assessments against the abutting property and the owners thereof provided for in this act, the same shall be found by a jury of five freeholders of said city unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvements, who shall be summoned by any policeman of said

city upon an order or notice to him directed by the mayor under the seal of said city, commanding that such be done at the instance of the board of public service, and briefly describing the duties to be performed by such jury. Each member of said jury summoned as aforesaid shall repair to the mayor's office at a date and hour to be named in the mayor's said order, not more than five days after the date of the same, for the purpose of being sworn as hereinbefore required. Upon the assembling of said jury at the mayor's office, any person summoned as aforesaid, upon excuse offered satisfactory to said mayor, may by him be excused from further service; or if any person summoned should reside on or own land in any district laid out for improvement, or should be challenged in writing as interested by any owner of land to be affected by such improvement, it shall be the duty of the mayor to require any policeman of this city to forthwith summon another person having the qualifications hereinbefore described to serve upon said jury in the place and stead of the juror so excused by the mayor. Each juror shall be sworn by the mayor or another person competent to administer oaths in this State to faithfully and impartially execute the duties of his office, before entering upon the performance thereof.

Jury to view street and section.

Sec. 140. That immediately after being sworn as aforesaid, said jury, as finally constituted, shall proceed without unnecessary delay to view the street and section in which said improvement has been or is proposed to be made, as hereinbefore described, and all the property deemed by it to be beneficially affected thereby, as hereinbefore described, and shall within a reasonable time thereafter, not exceeding five days, and after due consideration thereof, make up its report, a majority concurring therein, in which shall be generally described each piece of property deemed by it to be beneficially affected by said improvement, together with the amount of the special benefit thereto arising from such improvement, and giving also the name or names of the supposed owner or owners thereof. After making up its report as herein required, said jury shall forthwith file the same with the City Clerk and Treasurer of Charlotte, who shall submit it to the board of aldermen at its next regular meeting after the day on which the same is filed as aforesaid, for its action. Said board of aldermen shall at said meeting or at any regular meeting thereafter, not exceeding thirty days from the date of the submission of the same, take up and consider the report of said jury and hear any competent evidence from any person interested in the property affected thereby, touching any matters covered by said report, and confirm or modify the same: *Provided, however*, in no case shall any property be assessed by said jury or the board of aldermen of said city on account of said improvement in excess of the special benefit or enhanced value of said property arising from said improvement.

Report.

Aldermen to consider report.

Proviso: limit on assessment.

Right of appeal.

Sec. 141. That any person who shall have filed objections as aforesaid to the confirmation of said report shall have the right within five days after the approval or confirmation of the same by the said board of aldermen, and not after that time, to appeal from the said decision of the said board of aldermen to the next term of the Superior Court of Mecklenburg County, North Carolina, by serving upon said city notice in writing of his intention so to do and specifying in said notice the item or items in said report which he disputes, and by filing within said time in the office of the Clerk of the Superior Court of Mecklenburg County a written undertaking, in at least the sum of four hundred dollars, with sufficient sureties to be justified before and approved by said clerk to the effect that said appellant will pay to said city all such costs and damages as it may sustain by reason of such appeal, if the court shall finally render judgment against said appellant. In case of an appeal as aforesaid, a copy of said report in so far as it affects the property of the appellant as the same was approved by the mayor and board of aldermen, a copy of the objections of the appellant thereto and of said notice duly certified by the city clerk and treasurer, shall constitute the record on appeal, and when filed in the office of the Clerk of the Superior Court of said county, the same shall be docketed on the civil issue docket in the name of the person taking such appeal against the city of Charlotte, "An appeal from an assessment," and the cause shall then be deemed to be at issue without any further plea on the part of said city; but said city shall have the right to file a further answer or defense thereto, if it be so advised, and said cause shall stand for trial at the next term of court, beginning more than ten days after the docketing of said appeal: *Provided*, that if said appeal is not docketed and said bond is not filed by the appellant within ten days after the confirmation of said report, all right to prosecute such appeal shall be thereby forfeited. And upon the trial of the issues arising on such appeal, if all the issues be found in favor of the appellant, the lien for said assessments shall be discharged. If, however, the issues or any of them be found in favor of the city of Charlotte to any amount, and if it be thereby ascertained that the appellant is due to said city any amount by virtue of the matters therein referred to, or that said land is subject to a lien for said assessments or any part thereof, then the amount so found in favor of the city of Charlotte, with interest thereon, together with costs thereon accrued, which costs shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed from the date of the approval of said report by said board of aldermen, and shall be collected by the tax collector in such manner as the other assessments herein provided for are collected.

Bond on appeal.

Record on appeal.

Proviso: appeal forfeited.

Result of trial.

Liability of city.

Sec. 142. That the said city itself shall be liable for such part of the cost and expense of said street improvements as shall not have been assessed against and collected from the abutting land or the owners thereof: *Provided, however*, that whatever of the cost of the street improvements which may be paid by or assessed against the property of any street railroad or railway company, as provided for by law, shall be deducted from the proportion of the costs of such improvement for which the said city is liable as aforesaid, whether such street railway or street railroad shall run through the center or upon either side of the street so improved as aforesaid; and the amount to be paid by said street railway or street railroad company, as provided for by law, shall not in any event be deducted from any sum assessed against the abutting land owners under the provisions of this act.

Proviso: street railroads.

Liens may be transferred.

Sec. 142a. That said city, by the mayor, with the approval of the board of public service, is hereby authorized and empowered to assign, sell and transfer the said liens created by this act and all sums owing thereon, whether by note or otherwise, either absolutely or upon condition to any person or persons in order to enable them to raise means to carry into effect the provisions hereof; and if any such liens shall be transferred as aforesaid, and shall not be paid to the owner thereof when due, they shall be collected by the tax collector of said city in the same manner as other assessments hereinbefore provided for in this act, and the amount thereof when collected shall be paid by said tax collector to the owner or owners of said liens, less two per centum of the amount actually collected by him, which shall be paid to the city clerk and treasurer to cover the costs of such collection.

Water and sewer connections.

Sec. 142b. That for the preservation and protection of the pavements and improvements herein provided for, the board of aldermen of said city shall have and is hereby given power and authority, in all cases where any of the public streets or alleys of said city whereon water and sewer pipes have been laid or are conveniently accessible are being paved or are about to be paved, to require by ordinances duly enacted that the owner or owners of any unimproved or vacant lots or parcels of land bordering or abutting thereon, under the supervision of the city engineer, shall make proper branch water pipe and sewer connections for said lots or parcels of land from said water pipes and sewers to the edge of such lots or parcels of land upon like notice, terms and under the same regulations as are herein provided for making or requiring such connections with improved lots in said city; and upon failure of the owner or owners of such unimproved or vacant lots or parcels of land to so connect the same within the time required, said board of aldermen may make such connections and charge the costs thereof against said lots or parcels of

land in the same manner as is hereinbefore provided in the case of sidewalks, and such costs so charged shall constitute a lien upon such lots or parcels of land to the same extent and to be enforced and collected in the same manner as the liens hereinbefore provided with respect to the sidewalks in said city: *Provided further*, that in all sections for permanent paving the board of aldermen may require any person, firm or corporation owning or using gas mains, gas pipes or any other pipes whatever, or underground electric or other wires, in or under said street so being paved or about to be paved, to forthwith make all their lateral connections in said streets at least to the edges thereof before said streets are paved and so as not to interfere with the progress of the paving; and for failure for twenty days after notice of said requirement to comply with the same, said person, firm or corporation so in default shall thereby forever thereafter forfeit the right to use said streets for the purposes aforesaid, and the board of aldermen of said city may at its discretion remove said gas mains, pipes and wires from said streets.

Proviso: gas and lighting connections.

TRANSPORTATION DEPARTMENT.

Supervisor of transportation.

Sec. 143. That all transportation facilities in said city shall be under the supervision of the board of public service, which may appoint a supervisor of transportation and define his duties. It may designate some other officer to act as such supervisor.

Regulation of fares and transfers.

Sec. 144. The board of aldermen shall have power to regulate the fares for transportation by all licensed hacks and other vehicles on the streets of said city; to regulate the convenient transfer of passengers from one line to another of any railroad company or of any street railway company; and it shall be the duty of said supervisor to report to the board of public service any failure of any such company to give proper and satisfactory service to the public, or to keep and maintain its tracks and road-bed in the streets or at the street crossings in proper repair.

Duty of supervisor.

DEPARTMENT OF PUBLIC PROPERTY.

Public property.

Sec. 145. That all cemeteries, parks, public buildings and other property belonging to the city, except as herein provided, shall be under the control and in the custody of said board of public service, which shall appoint such officials, servants or agents as shall be needed to properly perform the duties imposed upon them by this act, and may fix their compensation.

Park and tree commission.

Sec. 146. That nothing in this act shall be construed to abolish the Charlotte Park and Tree Commission, which shall continue to exercise the duties of park commissioners in adopting and recommending measures for laying out and improving the public parks and squares of the city; but the board of public service

shall have the exclusive control of all trees on the streets and full power to direct all expenditures of the funds appropriated by the board of aldermen for the improvement and maintenance of said parks and squares.

Duties of park and tree commission.

Sec. 147. That it shall be the duty of said Charlotte Park and Tree Commission to recommend to the board of aldermen annually such rules and regulations as it shall deem necessary for the regulation and management of all parks and the use thereof by the public, and the violation of such rules and regulations after adoption as an ordinance by said board of aldermen shall be subject to such penalties as said board may prescribe, not exceeding the sum of fifty dollars.

CONDEMNATION FOR PUBLIC USE.

Powers in purchasing property.

Sec. 148. That when in the opinion of the board of aldermen any land, right-of-way, privilege or easement shall be required for the purpose of opening new streets, or of extending or widening those already open, or for the extension and maintenance of the drainage and sewerage systems of the city of Charlotte, said city may purchase the same from the owner or owners thereof and pay such compensation therefor as may be agreed upon; and when in any case the board of water commissioners of said city shall find that additional land, water rights, privileges, rights-of-way or easements are necessary to the operation of said system of water-works, it may likewise purchase the same at an agreed price; but if said city or said board as the case may be should be unable to agree with the owner thereof for the purchase of such land, rights, privileges or easements therein, condemnation of the same for such public use may be made in the manner hereinafter set forth. The said city or board, as the case may be, shall file with the Clerk of the Superior Court of Mecklenburg County its verified petition praying for the appointment of commissioners to appraise and value the real property or rights, privileges or easements proposed to be taken or condemned for the purpose aforesaid, and to ascertain and report to the court what sum should be paid to the owner or owners as damages for the property, rights, privileges or easements so taken, and said assessment to be made by the commissioners according to the value of the property or rights, privileges or easements to be acquired for public use. The petition shall set forth and describe the particular property, rights, privileges or easements proposed to be taken or condemned for the purpose aforesaid, and shall also state the names and residences of the owner or owners thereof, and of the persons who have any interest therein, which may be affected by the said condemnation, and whether any of the said owners are minors with or without guardians.

Power to condemn land.

Procedure for condemnation.

Clerk to issue summons.

Sec. 149. That upon the filing of the said petition the Clerk of the Superior Court shall issue a summons to the parties interested in the lands, rights, privileges or easements described in the petition, requiring them to appear at his office in the courthouse of the said county, on a day at least ten days after the service of the said summons, and answer or otherwise plead to the petition; and the said proceedings shall be conducted in all respects as are other special proceedings, and the clerk may issue process and make publication for parties and appoint guardians in like manner as is provided by law in the case of special proceedings.

Appointment of jury.

Sec. 150. That if the clerk shall find that the property, rights, privileges or easements described in the petition are required for public use, he shall make an order appointing five disinterested and competent freeholders of Mecklenburg County to ascertain and assess the value of the property, rights, privileges or easements proposed to be taken and the damages to be paid to the owner thereof by said city or said board as the case may be.

Notice to jurors.

The clerk shall issue a notice of their appointment to the said freeholders, to be served upon them by the sheriff of the county,

Action of jury.

and when so notified they shall within five days go upon the premises and ascertain the value of the lands, rights, privileges or easements proposed to be taken for public use, determine by a majority vote the amount of damages to be paid for the same and make report of their findings to the Clerk of the Superior Court of said county within ten days after notice of their appointment. Before making such report they may take the evidence of witnesses offered as to any values to be assessed, but

Exceptions.

shall not hear argument by the parties interested. That if any party to the proceedings shall be dissatisfied with the report of the commissioners, he may file exceptions thereto with the Clerk of the Superior Court within ten days after the filing of the said

Cause transferred.

report with said clerk, and all issues of fact and law raised before the clerk in the said proceedings and upon the said exceptions shall be transferred to the Superior Court for trial in like manner as provided in the case of other special proceedings pending before the clerk; and the said issues shall be tried at the first term of the Superior Court after they are transferred, unless for good cause shown the trial or hearing of the matter is continued by the court; and the trial of said issues shall have precedence over all other civil cases or matters on the docket of

Appeals.

the said court. From the judgment of the Superior Court rendered in said proceedings any of the parties may appeal to the Supreme Court, as in other cases pending in the Superior

Proviso: appeal not to delay work.

Court: *Provided, however,* that no appeal either to the Superior or Supreme Court shall hinder or delay the city or board in opening such streets, in constructing such lines or erecting such improvements.

Duty of commissioners.

Sec. 151. That in making the valuation and assessment aforesaid the commissioners shall take into consideration the loss or damage that may accrue to the owner by reason of the land or right-of-way being surrendered, and also any benefit or advantage such owner may receive from the opening, extending or widening of the street or any other improvement thereof, and shall ascertain the amount of loss or damage in excess of the said benefit or advantage, or the value or amount of such benefit or advantage in excess of loss or damage, as the case may be. That the value of any benefit or advantage to any lot or land arising from the opening, extending, widening or improving any street and accruing to said lot or land in common with other lots or land similarly situated may be assessed by the said commissioners against the lots so benefited, and shall be a lien thereon, and the payment thereof may be enforced as provided in this act; but the amount of said assessment shall be stated separately in the report of the commissioners. That in any case where the benefits to land caused by the erection of any such improvement are ascertained to exceed the damages to the land, then the city or board shall pay the costs of the proceedings, and shall not have a judgment for the excess of benefits over the damages.

Powers of court.

Sec. 152. That in all cases of appraisal under this act, where the mode or manner of the proceedings is not expressly or sufficiently provided for herein, the court before which such proceedings may be pending shall have the power to make all necessary orders and give proper directions to carry into effect the object and intent of this act, and the practice and procedure in such cases shall conform as near as may be to the ordinary practice and procedure in such court.

Order by aldermen.

Sec. 153. That when it is proposed to condemn any land, rights, privileges or easements for the purposes herein specified, an order or resolution of the board of aldermen or board of water commissioners at a regular or special meeting of the board shall be made, stating generally or as near as may be the nature of the improvement for which the land is required, and authorizing the board of public service or committee in charge of the improvement to proceed in accordance with this act.

Transfer of property.

Sec. 154. When any proceedings for appraisal of property or rights under this act shall have been instituted, no change of ownership or transfer of the real estate or any interest therein or of the subject-matter of the appraisal or any part thereof shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made.

Titles.

Sec. 155. If, at any time after the attempt to acquire such property or rights by appraisal of damage or otherwise, it shall be found that the title to said property or right proposed to be taken or which has been acquired or condemned is defective,

said city or said board may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made, and at any stage of the new proceedings the court may authorize the petitioner, if in possession of the said property or rights, to continue in possession of the same, and if not in possession, to take possession and use such property or rights during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against the petitioner on account thereof, upon such petitioner paying into court a sufficient sum or giving security as the court may direct for the damages which may be finally assessed and recovered against it; and in every case any party interested in such property or rights may conduct the proceedings to a conclusion, if the city or board delays or omits to prosecute the same.

Money paid on defective titles.

Sec. 156. That if the title to any property or rights, privileges or easements condemned in any proceedings instituted under this section shall prove to be defective, the city may by action recover of the party or person who has received the money or compensation for the property, rights, privileges or easements so condemned any loss or damage it may have sustained by reason of said defect of title, not exceeding the amount so paid as compensation for the taking of the said property, rights, privileges or easements.

Service of notice.

Sec. 157. That where any notice is required to be given in said proceedings, and the person to be notified is a non-resident of Mecklenburg County, the notice may be served by the sheriff or other lawful officer of any county in which the said person may be; and if the said person is a non-resident of the State, the notice may be served by publication thereof once a week for four weeks in a newspaper published in the city of Charlotte; and the affidavit of the publisher, proprietor or foreman of said newspaper that said notice was so published shall be sufficient *prima facie* proof of such publication, and the time of notice shall be counted from the last day on which the notice was inserted in said newspaper.

Titles to vest in city.

Sec. 158. That the title to any real estate, rights, privileges or easements which have been condemned under the provisions of this act, shall vest in the said city upon its paying into court or to the parties entitled to receive the same the amount of compensation or damages recovered against it, together with the costs adjudged to be paid by it in the said proceedings, and upon its further complying in all respects with the judgment of the court.

Registration of judgments.

Sec. 159. A copy of the final judgment of the court, duly certified by its clerk, may be registered in the office of the Register of Deeds of Mecklenburg County aforesaid, and said copy so certified by the clerk, or a copy of the registry of such judgment duly certified by the register of deeds, shall be received as evidence in all the courts of this State, and where the said copy

is offered in evidence in any court not held in the county of Mecklenburg, the certificate shall have affixed to it the official seal of the certifying officer.

Board of health. Sec. 160. That the board of aldermen of said city, at its regular meeting in the month of June, one thousand nine hundred and seven, shall elect a board of health composed of two physicians and four other good and discreet citizens from the city at large, who shall hold office as follows: One physician and two of said citizens until the first Monday in June, one thousand nine hundred and nine, and until their successors shall be elected and qualified; and one physician and two of said citizens until the first Monday in June, one thousand nine hundred and eleven, and until their successors shall be elected and qualified. Upon the expiration of the terms of said members of the board of health, created as aforesaid, their successors shall be elected by said board of aldermen each for a term of two years and until their successors shall be elected. The mayor shall be *ex officio* chairman of said board.

Term of office.

Chairman.

Organization. Secretary. Sec. 161. That at noon on Monday next after its election said board shall meet at the City Hall and organize and elect one of its medical members secretary, whose duty shall be to keep the minutes of its proceedings, preserve all reports made to it and made by it, and perform such other duties as said board may prescribe. The clerk and treasurer of the city shall be treasurer *ex officio* and keep an account of its expenditures.

Treasurer.

Powers of board. Sec. 162. Said board shall have full power to institute all sanitary measures necessary for the preservation of the public health of the city and for the prevention of the generation and introduction of infectious and contagious diseases of any kind, and may exercise absolute power over the subject of quarantine, personal or otherwise, and in general shall be clothed with all the power, authority and jurisdiction conferred by sections four thousand five hundred and six, four thousand five hundred and seven, four thousand five hundred and eight and four thousand five hundred and nine of the Revisal of one thousand nine hundred and five of North Carolina, and by any and all acts amendatory thereto.

Regulations. Sec. 163. The board of health shall adopt such regulations as may be necessary to secure the efficiency of its organization, and the publication thereof shall be sufficient notice to any and all persons violating such regulations.

Inspections and examinations. Sec. 164. The board of health shall supervise the inspection and examination of the public water supply of the city, and shall manage and control the inspection of fresh meats, milk, butter and all other articles of food and drink offered for sale in said city, and assist in enforcing the inspection ordinances of the city and the inspection laws of the State and of the United States.

Drainage and sewerage.

Sec. 165. Said board shall have supervision of the drainage and sewerage of said city, but no extended system of drainage or sewerage requiring expenditures of money from the city treasury shall be undertaken until the same shall have been submitted to and received the sanction and approval of the board of aldermen.

Further powers of board.

Sec. 166. The board of health may establish and maintain a hospital or hospitals, and may examine, stop, detain or keep therein persons having or suspected of having smallpox or any infectious or contagious disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liability to the owner, remove, fumigate or destroy furniture, bedding, clothing or other property which may be suspected of being tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and all expenses incurred in disinfecting or caring for any persons by authority of this section shall be borne by the city.

Slaughter-houses, stock yards and nuisances.

Sec. 167. That said board shall have special supervision of all slaughter-houses and stock yards doing business in the city, and shall have authority to declare what acts and things shall be deemed and considered nuisances injurious to health, and how and within what time the same shall be abated; but the abatement of nuisances and enforcement or execution of the ordinances and quarantine regulations shall be done through the police department of said city.

Street cleaning and scavenger service.

Sec. 168. That said board shall have the management and control of the street cleaning and scavenger service of the city, and shall let the work of said service out on annual or semi-annual contracts by wards or otherwise to the lowest responsible bidder, who shall give bond and security payable to the city for the faithful performance of his duties, which duties shall be to remove all filth, solid refuse and garbage of any sort as specified in his contract, the terms and specifications whereof shall be settled by said board.

Officers and employees.

Sec. 169. That said board of health shall have power to elect all officers and employees necessary to administer said department, consisting of a superintendent of health, a city biologist, a city food inspector and such quarantine officers, sanitary inspectors and other employees as shall have been provided by ordinances of the city.

Superintendent of health.

Sec. 170. The superintendent of health shall be a physician of experience in his profession. He shall be executive head of the department, under the direction of the mayor, and shall have the direction of all other officers and employees in the department, and shall perform all the duties required of him, under such general rules and regulations as may be prescribed by the board

of health. He shall give bond in such sum as may be fixed by the board of health for the faithful discharge of his duties. The salary of the superintendent of health shall be fixed by said board of health, and shall not be less than one thousand dollars and not more than fifteen hundred dollars per annum, and he shall receive no other compensation whatsoever for his services. Salary.

Sec. 171. The necessary expenses of said board of health shall form a legitimate item in the administration of the city government, to be met, as in the case of other expenditures, by such appopriation of money as the board of aldermen may deem proper. Expenses of board.

Sec. 172. That the city biologist shall devote such time as may be necessary, not exceeding one-half of his time, to inspection of the public water-shed and daily examinations of the public water supply, and make his reports on the same to the board of water commissioners; he shall devote the remainder of his time to the discharge of such duties as may be assigned by the health department, and shall make his reports of all such work to the board of health. Biologist.

Sec. 173. That said board of health shall have and is hereby granted all the powers, duties and functions appertaining to the public health now possessed and exercised by the present board of police, fire and health commissioners of said city, to take effect upon the organization of said board of health under this act, at which time the complete possession and control of the department of health of said city shall be transferred to said board of health. Further powers of board.

Sec. 174. That the water-works system of said city shall continue to be, as it has been, under the separate management and control of the board of water commissioners of said city, consisting of the mayor as *ex officio* chairman and of four other citizens from the city at large, who shall hold office as they now hold said office, each for the term of two years from the time they were elected as commissioners of said board. Water-works.

Sec. 175. That the board of aldermen of said city at its regular meeting in June each year shall elect two commissioners to succeed those whose terms shall then expire under this act, and said persons so elected shall hold office for two years from the date of their election and until their successors are elected and qualified. Election of water commissioners.

Sec. 176. That said commissioners when so elected shall take an oath to faithfully discharge the duties of the said office, to be administered by the Mayor of the City of Charlotte; and they shall continue, as they have been, a corporation under the corporate name of the Board of Water Commissioners of the City of Charlotte, and as such corporation shall have power to sue and be sued, to hold property and enjoy the usual privileges of a municipal corporation. Commissioners to qualify. Incorporation. Corporate name.

Contracts and engagements.

Sec. 177. That all contracts and engagements, acts and doings of said board within the scope of its duty or authority shall be obligatory upon and be in law considered as if done by the Board of Aldermen of the City of Charlotte; and said board shall, for and in the name of the Board of Aldermen of the City of Charlotte, take and hold the land, real estate, rights, franchises and property of every kind now owned by said city of Charlotte or that may hereafter be purchased, for the purpose of operating and maintaining a system of water-works for the said city; and it shall have power to acquire such additional property and make such additional improvements thereof as may be necessary to supply the city of Charlotte with a sufficient supply of good and wholesome water.

Introduction, distribution and use of water.

Sec. 178. That said board shall regulate the introduction, distribution and use of its water supply at all places in said city, and from time to time fix a price for the use thereof and the time of payment; and it shall erect such number of hydrants and in such places as it shall see fit, and shall direct in what manner and for what purposes the same shall be used: *Provided, however*, that all hydrants or appliances required and furnished for the purpose of extinguishing fires, except fire hydrants on private property, shall be erected at the expense of the board of aldermen, and shall be placed as it may direct, and shall be under its exclusive control and direction.

Proviso: fire hydrants.

Rents, forfeitures and emoluments.

Sec. 179. That the said board shall have full power and authority to collect all rents, forfeitures or emoluments from the operation of said system of water-works, and to require the payment in advance for the use or rent of the water furnished in or upon any building, place or premises; and in case prompt payment shall not be made, it may shut off the water from such building, place or premises after five days' notice, and shall not be compelled to supply said premises, building or place with water until the arrears with interest thereon shall be fully paid.

Term of contracts.

Sec. 180. That the said board shall make no contract for the price of using water within said city for a longer term than five years.

Entry on premises for inspection.

Sec. 181. That where unnecessary waste of water is known or suspected, the members of said board and any engineer, superintendent or inspector in their service shall have authority to enter, after demand made and refused, at all reasonable hours any dwellings or other place where such water is taken and used, and examine and inquire into the cause of waste; and if any person refuses to permit such examination or opposes or obstructs such officer in the performance of such duty, he, she or they so offending shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace in an action by the said board, and the supply of water may also be cut off until the required ex-

Penalty for obstructing officer.

amination is made and the required alterations and repairs completed.

Accounts and reports.

Sec. 182. That said board shall cause accurate accounts to be kept of all receipts and expenditures of the money coming into its hands, and shall, at least once in each year, make a detailed report thereof to the board of aldermen. It shall pay or cause to be paid such moneys as shall come into its hands to the treasurer of the board of water commissioners, which money shall be disbursed by the treasurer of the board only upon the warrant of said board of water commissioners.

Disbursements.

Clerk and treasurer.

Sec. 183. That the City Clerk and Treasurer of the City of Charlotte shall be *ex officio* clerk and treasurer of said board of water commissioners, and for his services as such he shall receive such compensation as shall be fixed by the said board.

Disposition of receipts.

Sec. 184. That the said board of water commissioners shall out of any money received by it pay, first, the interest upon such of the bonds of the city of Charlotte as were sold for the purpose of raising money to purchase and enlarge said system of water-works, and the balance remaining after the payment of such interest shall be invested by the Treasurer of the City of Charlotte under the direction of the board of aldermen, and shall remain and be known as a sinking fund to meet the payment of said bonds at their maturity.

Misdemeanors.

Sec. 185. That if any person or persons shall maliciously or willfully divert the water or any portion thereof from the said water-works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe or other property used or acquired for procuring or distributing the water, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars, or shall be imprisoned not exceeding one year, at the discretion of the court.

Punishment.

Exemption from taxation.

Sec. 186. That all land and property of every kind held by the said board of water commissioners for the purposes aforesaid shall be exempted from taxes and assessments by the city.

Rights-of-way.

Sec. 187. That the said board of water commissioners and all persons acting under its authority shall have the right to use the ground or soil within the right-of-way of any street, railroad, highway, lane or alley for the purpose of extending or improving the plant of said system of water-works, upon condition that they shall not permanently injure any such property; that the same shall be restored to its original condition, or damages done thereto shall be repaired by the said board.

Compensation of water commissioners.

Sec. 188. That the members of said board of water commissioners shall receive such compensation as shall be fixed by the board of aldermen, not exceeding the sum of one hundred dollars each per annum.

Superintendent of water-works.

Sec. 189. That said board of water commissioners at its regular meeting in June, one thousand nine hundred and seven, and

Election. Duties. Term of office. Salary. Bond.

every two years thereafter, shall elect a superintendent of water-works, who shall discharge such duties as its rules require and act as executive officer of the board. He shall hold office for the term of two years and until his successor is elected and qualified, subject to discharge for cause, and shall receive such salary as may be fixed by the board, not less than twelve hundred dollars nor more than twenty-four hundred dollars, and shall give bond with approved security in the sum of twenty thousand dollars for the faithful discharge of his duties.

Inspection of water-shed. Examination of water supply.

Sec. 190. That said board shall provide for regular inspection of the public water-shed, and for daily examinations of the public water supply by the city biologist, one-half of whose salary shall be paid by said board.

Engineers, inspectors and employees.

Said board shall have full power to elect or appoint such engineers, inspectors and other employees as it may deem necessary to operate said system of water-works, to fix their compensation and to discharge any of such officers and employees for cause shown.

Election of biologist.

Said board, in joint session with the board of health, is also empowered to participate in the election of the city biologist.

Powers in protection of water-shed.

Sec. 191. That for the purpose of protecting said public water-shed from contamination, said board of water commissioners, whenever it is reported by the water-shed inspector and city biologist that a case of sickness on said water-shed may produce conditions dangerous to the public health, shall have full power and authority, upon the advice of the superintendent of health that such person can be safely moved, to order the removal of the person suffering from such sickness to a hospital in the city of Charlotte, or at the option of such person to some other proper place beyond the limits of the water-shed, and to cause any constable or other lawful officer to make such removal: *Provided*, all expenses for care and attention to such person at said hospital be paid by said board.

Proviso: expenses.

Water consumed by city.

Sec. 192. That for the purpose of enabling said board of water commissioners to make extension of its mains and pipe lines, and to otherwise enlarge and improve said system of water-works, the board of aldermen may allow to the board of water commissioners, annually, credit in a reasonable sum for water used and consumed annually by the city, as against the debits charged against said board for interest on the bonds of the city issued to purchase and enlarge said system of water-works.

PUBLIC SCHOOLS.

Public schools.

Sec. 193. That there shall be maintained in the city of Charlotte a system of public schools to be kept open not less than nine months in each year, without charge, for the education of the children of said city within the ages of six and twenty-one years.

School commissioners.

Sec. 194. That said system of public schools shall be under the control of a board of school commissioners composed of seventeen

(17) members, who shall be elected biennially at the general election held for mayor and other city officers, and shall hold office for two years and until their successors are duly elected and qualified, and shall serve without compensation. Any vacancy in said board of school commissioners shall be filled by an election held by said board, and the person so elected shall hold office for the unexpired term. Election and term. Vacancies.

Sec. 195. Said board of school commissioners shall be a body corporate and politic under the name of The School Commissioners of the City of Charlotte, with all the rights and powers of the school committees of the respective townships in addition to the powers in this act granted. Commissioners incorporated. Corporate name.

Sec. 196. That the Mayor of the City of Charlotte shall be *ex officio* chairman of said board of school commissioners, and shall be entitled to vote in any of the meetings of said board only in case of a tie; and in all the meetings of said board a majority of the membership thereof shall constitute a quorum for the transaction of business. Chairman.

Sec. 197. That said board of school commissioners shall have exclusive control of the public schools of the city of Charlotte, and shall have full and ample power to purchase sites, to provide necessary school buildings and facilities, to appoint examiners, employ teachers and fix their salaries, prescribe courses of study and in general to do everything that may be necessary and proper to open and conduct a sufficient number of schools to meet the needs of the scholastic population of the city of Charlotte. And it shall be lawful for said board of school commissioners in its discretion to receive into the public schools of the city of Charlotte, upon such terms as it may think reasonable, any children of school age residing beyond the limits of said city. Powers of school commissioners. Non-resident pupils.

Sec. 198. That said board of school commissioners shall have power and authority to establish and maintain a library in connection with each school building, which shall be free for the use of the teachers and students of the graded schools of said city; and shall have the power to acquire by donation, purchase or otherwise books, charts, maps, periodicals and other publications and property of every kind suitable for such library, and shall arrange for separate books and publications for the white and colored races, and provide separate rooms for the use of each of said races. And the said board of school commissioners shall have the power to prescribe such rules and regulations for the use of such library as it may deem proper, and to do all acts and things necessary for the successful maintenance and operation of said library. The expense of equipping and maintaining the same shall be paid out of the school revenues of said city of Charlotte. School libraries.

Sec. 199. That the said board of school commissioners shall have the power and authority to establish and maintain one or High schools.

more high schools in the city of Charlotte, to be known as The Charlotte High School, and may purchase sites, provide necessary buildings, employ a principal and teachers and fix their salaries, prescribe courses of study and in general do whatever may be necessary and proper to establish and maintain said high school for the higher education of the children of said city of Charlotte, without charge, between the ages of twelve and twenty-one years; and it shall be lawful for said board of school commissioners in its discretion to receive into said high school upon such terms as it may think reasonable any children between the ages herein mentioned, residing beyond the limits of said city.

Non-resident pupils.

Text-books.

Sec. 200. That the said board of school commissioners shall have the power and authority to adopt and prescribe such text-books for use in the public schools of the city of Charlotte as it may deem suitable and proper, and the said board shall not be bound or compelled to adopt for use in the public schools in said city (graded or high schools) any book or books which may be at any time adopted by the State Text-book Commission.

Treasurer.

Bond.

Sec. 201. The said board of school commissioners shall appoint a treasurer and prescribe his duties and compensation. He shall give bond for the faithful performance of his duties in such sum as the said board may prescribe, which bond shall not be less than double the amount which may reasonably come into his hands at any one time, and with sufficient security to be approved by said board.

Funds paid.

County funds.

Sec. 202. It shall be the duty of the Board of Aldermen of the City of Charlotte to provide for the payment to said treasurer of all moneys collected under this act; and it shall be the duty of the Treasurer of Mecklenburg County to pay to the treasurer of said board of school commissioners, to be used in carrying out the objects of this act, all school moneys in his hands from time to time to which the city of Charlotte shall fairly be entitled.

Reports.

Sec. 203. The said board shall make reports annually and as often as it may be requested to the Board of Aldermen of the City of Charlotte and to the Superintendent of Public Instruction of the State of North Carolina, in the manner and to the extent that the county treasurer and the secretaries of the boards of education of the counties are bound by law to report to the Superintendent of Public Instruction, under the same pains and penalties for failure so to do as said officers are liable to for like failure.

Repairs and improvements.

Sec. 204. That the board of aldermen shall provide for all expenses arising from permanent repairs and improvements made from time to time by said board of school commissioners upon any of the buildings and premises in use for school purposes within the city of Charlotte.

School census.

Sec. 205. That said board of school commissioners may cause to be made annually on or before the first day of December an accurate school census of all children of school age within the limits of said city of Charlotte, and upon such census so taken in each year shall be based the apportionment to the city of Charlotte of its proper share of the county school fund.

School tax.

Sec. 206. That the Board of Aldermen of the City of Charlotte shall levy an annual tax for the support and maintenance of said system of public schools in the city of Charlotte, which annual tax shall not exceed twenty cents on the one hundred dollars' valuation of property and sixty cents on the poll.

Apportionment of county school fund.

Sec. 207. That the County Board of Education of Mecklenburg County, in apportioning the school fund of said county, shall ascertain and determine the amount of said funds to be used each year for the public graded schools of the city of Charlotte by dividing the whole amount of school funds received by the County Treasurer of Mecklenburg County, less his commission or the part of his salary which is to be paid out of said funds and less the amount reserved by said county board of education for the office expenses and salary of the county superintendent of education and for the *per diem* and mileage of the said county board of education, by the total number of children of school age in said county, as determined by last census preceding such apportionment, and by multiplying the quotient so obtained by the total number of children of school age in the city of Charlotte, as determined by last school census preceding such apportionment, and the amount so ascertained and determined is to be paid by the treasurer of said Mecklenburg County to the treasurer of the public schools of the city of Charlotte, or such other official as may be legally designated to receive the same, to be used for the said public schools of said city, under the control and direction of the board of school commissioners of said city of Charlotte: *Provided*, that the amount so ascertained and determined for said graded school shall bear its proportionate part of the loss sustained on account of any taxes not collected by reason of errors, releases from taxation or otherwise.

School property vested in city.

Sec. 208. That all the lands, lots and public school buildings and fixtures located therein, within the corporate limits of said city as defined by this act, now held by the County Board of Education of Mecklenburg County or by any public school trustees and used as part of the public school system within said territory, shall immediately upon the ratification of this act become and be absolutely the property, rights and effects of the city of Charlotte; and the board of school commissioners of said city is hereby authorized and empowered to take possession of the same on and after the first Monday of June, one thousand nine hundred and seven: *Provided*, that any and all claims for capital stock held by private individuals in such lands, buildings or other public

Proviso: claims to be settled.

school property, or for existing indebtedness incurred in the purchase or construction of said buildings, shall be satisfied by said city under an agreement with said board of education; but in case the parties cannot agree upon a settlement of all claims, the Clerk of the Superior Court of said county shall upon the petition of the city appoint five disinterested persons as commissioners to arbitrate a settlement thereof, and their award shall be final: *Provided also,* said city shall not be liable for any amount beyond the sum it shall actually realize and receive from the transfer of any lot, building or the fixtures therein as provided for in this act.

MISCELLANEOUS.

Questions not provided for.

Sec. 209. That all questions arising in the administration of the government of said city and not provided for in this act shall be governed by the laws of the State in such cases made and provided.

Judicial proceedings.

Sec. 210. That in all judicial proceedings it shall be sufficient to plead any ordinance of said city by caption or by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances published in book form by authority of the board of aldermen shall be admitted in evidence in all courts and shall have the same force and effect as would the original ordinances.

Ordinances.

Collection of taxes.

Sec. 211. That in addition to the other modes of collection in this act provided, all taxes due the city, whether general or special, and all assessments for street improvements or otherwise, may be collected by a civil action in the nature of an action of debt, and all such liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls of such taxes and assessments shall be taken as *prima facie* evidence of the statements made therein, and the city shall have equal right to become the purchaser at all sales of property for taxes or assessments due it under judgment or otherwise. It shall be the duty of the mayor to attend such sales to make such purchases, if they be necessary.

Civil process served by policemen.

Sec. 212. That it shall be lawful for the policemen to serve all civil process or notices that may be directed to them by the mayor or by any court, under the same regulations and penalties as are or may be prescribed by law in the case of constables.

Debts of city.

Sec. 213. That no levy shall be made on any property belonging to the city, nor shall any levy be made upon the property of any individual for any debt due by the city, but all such debts shall be paid only by taxation upon subjects properly taxable by such corporation.

Misdemeanor.

Sec. 214. That any officer of the city of Charlotte who shall on demand fail to turn over to his successor in office the property,

books, moneys, seals or effects of such city shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court. Punishment.

Sec. 215. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax and subject to be corrected or altered by them, and shall be open for inspection by the public, and upon demand of the authorities imposing the tax or their successors in office shall be surrendered to the authorities for such inspection or correction; and any tax collector who shall fail or refuse to surrender his list upon such demand shall be deemed guilty of a misdemeanor. Tax lists.

Sec. 216. That the board of aldermen shall have power by vote of two-thirds of the aldermen present to sell any real property belonging to the city, and when so authorized, a deed for the said real estate may be executed by the mayor and attested by the city clerk and treasurer or by two members of said board, with the corporate seal of the city attached: *Provided, however*, that this section shall not apply to plots in the cemetery, except as to the manner of the execution of the deed. Sale of real property. Deed. Proviso: cemetery.

Sec. 217. That from and after the ratification of this act the same shall thenceforth be the charter of the city of Charlotte, and all laws now constituting the charter of the city and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, except acts relating to the issue of bonds, and all laws of public and general nature inconsistent with or coming within the purview of this act are hereby repealed, so far only, however, as they may affect this city: *Provided, however*, that such repeal shall not annul any ordinances, by-laws or rules of the corporation unless the same be inconsistent with this act. Nor shall such repeal affect any act done, or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by or due to the corporation by its present name from any corporation or person whatever be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the City of Charlotte. Ratifying and repealing clause.

Sec. 218. That no offense committed, and no penalties or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provision of the act, such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided*, that no suit or prosecution pending at the time of repeal for any offense Effect of repeal.

committed, or for any penalty or forfeitures incurred under any of the acts or ordinances hereby repealed, shall be affected by such repeal: *Provided, further,* that no law heretofore repealed shall be revived by the repeal of any act repealing such law: and, *Provided lastly,* that all persons who at the time when the said repeal shall take effect shall hold any office under any of the acts hereby repealed shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished and those as to which a different provision shall have been made by this act.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 343.

AN ACT TO REVISE THE CHARTER OF THE TOWN OF LUMBERTON.

Preamble.

Whereas, numerous acts have been heretofore enacted by the General Assembly of North Carolina relating to the town of Lumberton, which now constitute the charter of said town; and whereas, it is deemed advisable by the authorities and citizens of said town that the numerous acts of assembly relating thereto should be revised, consolidated and amended to the end that the charter of said town shall be contained in one act of the General Assembly: therefore,

The General Assembly of North Carolina do enact:

Corporation continued. Corporate name.

Section 1. That the inhabitants of the present town of Lumberton shall continue to be as heretofore a body politic and corporate, under the name and style of the Town of Lumberton, and under such name is hereby invested with all the property and rights of property, and all rights, privileges, powers and authorities which now belong to or are possessed by the present town of Lumberton, and all powers heretofore granted by any law now in force in reference to said town are hereby invested in the said town of Lumberton; and in and by that name the said town may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the town as the proper authorities may deem necessary and expedient: *Provided, however,* that no law or ordinance and rule or regulation of the present corporation shall be affected by this act unless inconsistent therewith; nor shall any duty, debt or obligation due by the present town to any person, firm or corporation be impaired by this act, but such debt or obligation shall remain in full force and its full, true and lawful performance is hereby imposed upon said town.

Corporate powers.

Proviso: laws and ordinances not repealed.

BOUNDARIES.

Sec. 2. The corporate limits and boundaries of said town of Lumberton shall be as follows, to-wit: Beginning at a stone monument sunk in the middle of the Whiteville road, at a point on said road three-fourths of a mile by an air line from the center of the court-house of Robeson County, and running thence south three degrees and ten minutes west, twelve hundred and thirty-seven feet, to a stake in a ditch, the line of the Dresden Cotton Mills property; thence south fifty-six and three-fourths degrees west, twenty-five hundred and fifty-two feet, to a stake, the line of the Carolina Lumber Company property, the said line being four hundred yards below the center of the main track of the Seaboard Air Line Railway; thence parallel with the main track of the Seaboard Air Line Railway and four hundred yards south of the center of the said main track, north sixty-five degrees and twenty minutes west, five thousand five hundred and sixty feet, to a stake in a field, Pink Campbell's property; thence north three degrees and ten minutes east, five thousand one hundred and forty feet, to a stake in a field, the Rowland property; thence south eighty-six degrees and fifty minutes east, seven thousand two hundred feet, to a stake across the Elizabeth road; thence south three degrees and ten minutes west, four thousand three hundred and seventy-six feet, to the beginning. Corporate limits.

OFFICIAL MAP.

Sec. 3. That the map of the town of Lumberton and of the adjoining and adjacent lands made by J. E. Purcell, civil engineer, bearing date November the first, one thousand nine hundred and four, and approved and adopted by the Mayor and Board of Commissioners of the Town of Lumberton at a regular meeting of said board held on May second, one thousand nine hundred and five, shall be and constitute the official map of the town of Lumberton. Official map.

Sec. 4. The said map shall be as *prima facie* evidence of the true location of all lots, corners, streets, squares, lines and boundaries within the corporate limits of the town of Lumberton as are contained in said map, and said map shall be received as *prima facie* evidence thereof by all the courts of this State in all matters and disputes concerning the same, and the copy thereof upon the books of the office of the Register of Deeds of Robeson County shall be received in evidence to the same extent as the original. Map prima facie evidence.

Sec. 5. It shall be the duty of the town clerk and treasurer to safely preserve the original of said map, and to cause a true copy thereof to be inserted in a book to be kept for that purpose, which said book shall be at all times open for the inspec- Original map to be preserved.

tion of any citizen of said town of Lumberton, and said clerk and treasurer shall likewise cause a copy thereof to be spread upon the minutes of the board of commissioners of said town.

Further map to be made.

Sec. 6. Whenever said map shall become inaccurate from lapse of time or change, or whenever deemed necessary by the board of commissioners of said town, the mayor and board of commissioners may cause such other or further map of said town to be made as they may deem necessary and expedient, and the said map, when approved and adopted by the mayor and board of commissioners of said town at a regular meeting of said board, and when signed by the engineer, the mayor and town clerk and treasurer, and sealed with the corporate seal of said town, and acknowledged by said engineer and by said mayor and town clerk and treasurer before the Clerk of the Superior Court of Robeson County, and recorded in the office of the Register of Deeds of Robeson County, shall be from the date of such recordation the official map of said town of Lumberton, and the original or the recorded copy shall be received as *prima facie* evidence as in case of the present official map as above set forth.

Map evidence of corners and lines.

Sec. 7. In any suit or controversy involving the true location of the lots, streets, squares, lines and boundaries of the town of Lumberton up to and including September fourth, one thousand eight hundred and ninety-four, the map signed by Joseph McRae, Wellington Wishart and E. K. Proctor, Jr., dated September fourth, one thousand eight hundred and ninety-four, witnessed by S. W. Bennette, and duly approved and adopted at a regular meeting of the Board of Commissioners of the Town of Lumberton at a regular meeting held on November seventh, one thousand eight hundred and ninety-four, shall be received by all the courts of this State as *prima facie* evidence of the true location of the original corners and lines, and of the corners and lines of the lots, streets, squares, lines and boundaries of the town of Lumberton as they existed up to and including September fourth, one thousand eight hundred and ninety-four, and the recorded copy of said map shall be received in evidence to the same extent as the original.

Recorded copy received in evidence.

OFFICERS.

Mayor and commissioners.

Sec. 8. The officers of said town shall consist of a mayor and six commissioners, to be elected by the qualified voters of said town, as is hereinafter provided. *Provided, however*, that until the regular election, in the month of May, one thousand nine hundred and seven, there shall be only four commissioners, as now provided by the charter of said town.

Proviso: four commissioners temporarily.

Qualifications for mayor and commissioners.

Sec. 9. No person shall be entitled to hold the office of mayor or commissioner unless he shall be an elector of the State of North Carolina, and shall have resided for twelve months next preceding the day of election within the corporate limits of said town.

Mayor and commissioners named.

Sec. 10. Until their successors shall be elected and qualified as herein provided, W. O. Thompson shall be mayor, and J. H. Wishart and M. W. Floyd, N. A. Thompson and J. D. Norment shall be commissioners, and the same are hereby declared the mayor and commissioners of said town of Lumberton, with all the powers and duties appertaining to their respective offices, until their successors are elected and qualified as hereinafter provided.

Commissioners to fill vacancies.

Sec. 11. In case the office of mayor or commissioner shall become vacant from death, resignation, removal or otherwise, such office shall be filled by the board of commissioners of said town, and the person so elected shall serve for the term to which his predecessor was elected and until his successor shall be elected and qualified.

EMPLOYEES.

Town clerk and treasurer.

Sec. 12. The board of commissioners shall, at its first meeting after its election, select some elector of said town as town clerk and treasurer, who shall serve at the pleasure of the board and until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of his duties he shall give bond with good and sufficient sureties to be approved by the board of commissioners of said town, in a sum to be fixed by said board, not less than five thousand dollars, payable to the town of Lumberton, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town, and for the faithful discharge of his duties as secretary of said board of commissioners.

Duties.

To give bond.

Town constable.

Sec. 13. The board of commissioners shall, at the first meeting after its election, select some one to act as constable of said town, who shall serve at the pleasure of the board and until his successor is elected and qualified. He shall, before entering upon the discharge of his duties, enter into bond in a sum to be fixed by the board of commissioners, to be not less than two thousand dollars, with good and sufficient sureties to be approved by said board of commissioners, payable to the town of Lumberton, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as constable aforesaid; upon his faithfully accounting for and paying over to the proper authority all moneys that may come into his hands from any source as said constable; upon his faithfully collecting and paying over all taxes levied by the commissioners and other lawful authority of said town, and in all other respects executing to the best of his ability, and honestly and faithfully, all the duties imposed upon him by this charter or by the board of commissioners or other lawful authority of said town. The said commissioners may also elect and provide for the pay of

Bond.

Policemen and watchmen.

such number of policemen and watchmen for said town as in their judgment may be necessary to efficiently carry out and enforce the ordinances and regulations thereof and the criminal laws of the State in said town. The said policemen and watchmen, when elected, shall be qualified in the manner provided for the constable, and shall in the enforcement of the general laws of the State and the ordinances and regulations of said town, have all the powers conferred on the town constable by the provisions of this act and the general laws of the State, and such as may be hereinafter provided. The said policemen and watchmen may be required to give bond for the faithful discharge of their duties in such sums as the board of commissioners may fix, and may be removed by said board at any time for neglect of duty, drunkenness or other cause.

Policemen and watchmen to qualify.

Powers.

Bonds.

Tax collector.

Duty.

Bond of tax collector.

Sec. 14. The said board of commissioners may, if it deem necessary, separate the duties of the constable and tax collector, and elect some person as tax collector, whose duty it shall be to collect all taxes levied by the board of commissioners or other lawful authority of said town, and pay same over to the person or persons designated by law to receive the same. The person elected as tax collector shall give bond in a sum to be fixed by the board of commissioners of said town, not less than five thousand dollars, with good and sufficient surety, payable to the town of Lumberton, and conditioned upon his faithfully collecting and paying over all taxes levied by the board of commissioners or other lawful authority of said town, and honestly and faithfully performing all duties imposed upon him by the board of commissioners or other lawful authority of the said town.

Attorney.

Duty of attorney.

Sec. 15. The said commissioners shall, at the first meeting after their election, elect some one as attorney for the board and for said town, who shall hold such position at the pleasure of the board and until his successor is elected. It shall be his duty to properly defend all suits brought against the town and perform such other services as said board of commissioners may require of him.

Other employees.

Sec. 16. The board of commissioners may elect such other and further employees as may be necessary to properly carry out the duties imposed upon said town by this charter, and said board shall prescribe the duties and fix the compensation of all employees of said town, including the compensation of the mayor, town clerk and treasurer, constable, tax collector and attorney.

Town clerk and treasurer.

Constable and tax collector. Town attorney.

Sec. 17. Until their successors shall be elected and qualified as herein provided, C. B. Skipper shall be town clerk and treasurer, F. J. Floyd shall be constable and tax collector and R. C. Lawrence shall be town attorney, and the same are hereby declared to be such, with all the powers and duties appertaining to their respective positions, until their successors are elected and qualified as herein provided.

Employees subject to mayor and commissioners.

Power of mayor to suspend employees.

Cause for suspension.

Sec. 18. The employees of said town shall be subject to the direction and orders of the mayor and board of commissioners, and the mayor at any time, upon charges preferred, or upon finding any employee of the town guilty of misconduct, may suspend such employee from service without pay, until the board of commissioners shall convene and take action in the matter; and upon hearing the proofs in the case, the board may discharge or restore such employee, or take such action as it may deem proper. Any violation of the orders of a superior shall be good cause for suspension, and the mayor shall suspend any employee who may be found drunk when on duty.

ELECTIONS.

Elections for mayor.

Sec. 19. The first election for Mayor of the Town of Lumberton shall be held on the first Monday in May, one thousand nine hundred and seven, and subsequent elections for mayor shall be held annually on the first Monday of May of each and every year thereafter.

Elections for commissioners.

Terms of first commissioners.

Sec. 20. The first election for commissioners of said town of Lumberton shall be held on the first Monday in May, one thousand nine hundred and seven, at which election six commissioners shall be elected as hereinbefore provided, three of whom shall serve for a term of one year and until their successors are elected and qualified, and three of whom shall serve for a term of two years and until their successors are elected and qualified. And in the said election the ballots cast for said commissioners shall designate which of said commissioners shall serve for one year and which shall serve for two years. And at every election after the said election on the first Monday in May, one thousand nine hundred and seven, which election shall be held annually on the first Monday in May, three commissioners shall be elected to serve for a term of two years and until their successors shall be elected and qualified. Until the election and qualification of the six commissioners to be elected on the first Monday in May, one thousand nine hundred and seven, as herein provided, N. A. Thompson, M. W. Floyd, J. H. Wishart and J. D. Norment shall constitute the board of commissioners of said town.

Terms of subsequent commissioners.

Present commissioners.

Place of elections.

Qualifications for electors.

Sec. 21. All elections shall be held at the court-house in the town of Lumberton, and no person shall be entitled to vote at any election to be held in said town for municipal purposes unless he shall be an elector of the State of North Carolina, and shall have resided for ninety days next preceding the day of election within the corporate limits of said town.

New registration.

Sec. 22. There shall be a new registration of persons qualified to vote in the municipal election to be held in and for the town of Lumberton on the first Monday in May, one thousand nine

Notice of registration.

hundred and seven; notice whereof shall be published at the court-house and four public places in said town for ten days; and the board of commissioners of said town may, in any year in which it deems it advisable, order an entirely new registration of voters upon giving twenty days' notice thereof at the court-house and four public places in said town.

Appointment of registrar and judges of election.

Sec. 23. It shall be the duty of the board of commissioners of said town on the second Monday in March in each year to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall within five days thereafter be notified of their appointment by the constable of said town.

Registrar to give notice.

The registrar so appointed shall immediately make publication at the door of the court-house and three other public places in

Registration book.

said town of his appointment as such. He shall be furnished

Revision of registration book.

with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such a manner that said book shall show an accurate list of electors previously registered and still residing in said

Registration.

town, without requiring said electors to be registered anew. He shall also, between the hours of sunrise and sunset of each day (Sundays and legal holidays excepted) for twenty days preceding each election, keep open said book for the registration of any elector residing in said town entitled to register whose name has never before been registered in said town, or does not appear on the revised lists.

Registrar and judges to be sworn.

Sec. 24. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four of the Constitution of North Carolina, before some person qualified by law to administer oaths.

Challenge day.

Sec. 25. It shall be the duty of the registrar and judges of election to attend at the polling place in said town, with the registration book, on the Monday preceding the election, from nine o'clock A. M. until five o'clock P. M., when and where the said book shall be open to the inspection of the electors of the said town, and any of the electors shall be allowed to object to the name of

Challenge entered.

any person appearing in said book. In case of any such objection, the registrar shall enter upon his book, opposite the name

Time of hearing.

of the person so objected to, the word "challenged," and shall appoint a time and place on or before the election day when he, together with said judges of election, shall hear and decide said

Proviso: other challenges.

objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or to object to the name of any person registered or offering to register at any other time than that above specified. If any person challenged shall be found not duly qualified as provided for in this charter, his name shall be stricken from the registration book, and he

shall not be allowed to vote at any election held in said town for municipal purposes.

Opening of polls.

Sec. 26. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of the election held in said town, and shall open the polls at seven o'clock A. M. They shall superintend said election and shall keep the polls open until sunset, when the polls shall be closed and the votes counted out by them. They shall keep poll books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the clerk and treasurer of said town, and said poll books shall, in any trial for illegal or fraudulent voting, be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.

Duties of judges and registrar.

Poll books.

Poll books evidence.

Vacancies.

Ballots.

Sec. 27. The voters shall vote by ballot, which shall be on white paper, written or printed, or partly written and partly printed, and shall be without device. At all elections there shall be provided four ballot boxes which shall be plainly labelled, respectively, "Mayor," "Board of Commissioners," "Board of Audit and Finance" and "Board of Graded School Trustees," and the votes for mayor and the respective boards shall be upon separate ballots. The person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the town clerk and treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Ballot boxes.

Persons to be declared elected.

Officers-elect to be notified.

Sec. 28. That immediately after each election, it shall be the duty of the town clerk and treasurer to notify in writing the several persons of their election.

Officers-elect to qualify.

Sec. 29. The mayor and commissioners-elect shall, within three days after having been notified of their election, take the oath prescribed for public officers, and said officers, together with the board of audit and finance and board of graded school trustees elect, shall likewise take an oath that they will faithfully and impartially discharge the duties imposed upon them by law, before some person authorized by law to administer oaths.

Forfeit for refusal to qualify.

Sec. 30. Any person elected mayor or a member of any of the several boards of said town under the provisions of this charter, who refuses to qualify and act as such for one month after such election, shall forfeit and pay the sum of two hundred dollars, one-half to the use of the person suing for the same and the other half to the use of said town, to be applied by the commissioners of said town to the benefit thereof; the said sum to be recovered in an ordinary civil action before a justice of the peace of said county in the name of the State of North Carolina on the relation of the informant.

PRIMARIES.

Primary elections.

Sec. 31. Subsection (a). That every primary election or convention held by any political party, organization or association for the purpose of choosing candidates for the various offices of the town of Lumberton which are to be elected under the provisions of this act, shall be presided over and conducted in the manner prescribed by rules adopted for the same by the Board of Commissioners of the Town of Lumberton, and by managers selected in the manner prescribed by said rules. The number of such managers shall be five, and they shall be appointed by the board of commissioners or other governing body of the town of Lumberton at least twenty days before such primary election shall be held, as now or hereafter provided for. Such managers, after being appointed, shall before entering upon the discharge of their duties each take and subscribe an oath that he will fairly, impartially and honestly conduct the said primary election according to the provisions of this act and the rules now or hereafter prescribed which may be adopted by the board of commissioners of said town. If one or more of the managers appointed to hold said primary election shall fail to appear on the day of the election, the remaining manager or managers shall appoint others in their stead and administer to them the oath herein prescribed. The managers shall take the oath herein prescribed before a notary public or other officer authorized to administer oaths. Such oaths shall, after being subscribed by the managers, be filed in the office of the Town Clerk and Treasurer of the Town of Lumberton, and all returns and other records and papers required to be kept or made by the rules adopted for such primary election by the Board of Commissioners of the Town of Lumberton shall be returned to and filed in the office of the Town Clerk and Treasurer of the Town of Lumberton, and shall be recorded by him in a book to be kept for that purpose, designated "Record of Primary Elections."

Number and appointment of managers.

Managers to be sworn.

Vacancies filled.

Ballot boxes to be examined.

Subsec. (b). Before any ballots are received at any such primary election, and immediately before opening the polls, such managers shall open each ballot box to be used in such primary election, and shall exhibit the same publicly to show that there are no ballots in such box. They shall keep poll lists with the name of each voter voting in such primary election, and shall, before receiving any ballot, administer to the voter an oath that he is qualified to vote according to the rules adopted by said board of commissioners, and that he has not voted before in such election, and that he will abide by the result of the primary election; and at the close of the primary election they shall proceed publicly to count the votes and declare the result. They shall certify the result of such primary election and transmit the certificate thereof, with the poll list, ballots and all other papers

Poll lists.

Voters to be sworn.

Certificate of result.

relating to such election, within twenty-four hours to the Town Clerk and Treasurer of the Town of Lumberton.

Time of primary.

Subsec. (c). Such primary election shall be held on the last Tuesday in April in the year one thousand nine hundred and seven, and on said day in each and every year thereafter, at the court-house in the town of Lumberton, under the rules and regulations prescribed by the board of commissioners of said town of Lumberton, and the returns shall be made and the results declared forthwith; and the returns shall be filed in the office of the Town Clerk and Treasurer of the Town of Lumberton and shall remain there for public inspection.

Violation of duty a misdemeanor. Punishment.

Subsec. (d). Any town officer or manager who shall be guilty of willfully violating any of the duties devolving upon him hereunder shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or imprisonment not to exceed six months; and any such officer or manager who shall be guilty of fraud or corruption in relation to any such primary election shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars, or imprisoned for a term of not more than twelve months, or both in the discretion of the court.

Fraud a misdemeanor. Punishment.

False swearing or impersonation of voter a misdemeanor. Punishment.

Subsec. (e). Any voter who shall swear falsely in taking the prescribed oath, or who shall impersonate another person and take the oath in his name in order to vote, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment in the discretion of the court.

No registration for primary.

Subsec. (f). No registration shall be necessary for voting in said primary election. Only those persons who were qualified voters at the preceding general election for town officers, as shown by the registration books of the town of Lumberton, shall be entitled to vote at such primary election: *Provided*, that if any person not heretofore included in the present limits of the town of Lumberton, or any other person, shall give satisfactory evidence to the managers of the primary election that he has become qualified to vote in said primary election since the last general election, he shall be allowed to register and vote in said primary election after taking the oath prescribed herein.

Proviso: persons allowed to register.

Qualification of voters.

Subsec. (g). Except as herein otherwise provided, the qualification of voters in said primary election shall be the same as that prescribed for voters in the general elections held in said town of Lumberton for the election of town officers, as now or hereafter provided by law.

Voters to be sworn. Form of oath.

Subsec. (h). Every person before being allowed to vote at said primary election shall take the following oath, to be administered by one of the managers at said primary election: "I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of

North Carolina, not inconsistent therewith; that I am now a duly qualified voter of the town of Lumberton; that I am twenty-one years of age; that I have not heretofore voted in this primary election, and that I will abide by the results of this primary election. So help me, God."

Failure or refusal to perform duty a misdemeanor.

Subsec. (i). It shall be the duty of any person who may be appointed by the board of commissioners of said town of Lumberton in any capacity, and accepts the appointment, to perform faithfully the duties of such appointment as provided by this act; and any such person who shall willfully fail or refuse to perform such duties shall be guilty of a misdemeanor and shall upon conviction thereof be punished by fine or imprisonment in the discretion of the court.

Punishment.

Voting in different primaries fraudulent.

Subsec. (j). That if any voter having participated in one primary election under this act shall vote or attempt to vote in any different primary election held for a similar purpose during the same year, he shall be guilty of fraudulent voting, and upon conviction thereof shall be punished in the same manner and to the same extent as if he had voted illegally in a general election.

Punishment.

Repeating a misdemeanor.

And any voter having voted once in said primary election who shall vote or attempt to vote a second time in the same primary election shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine or imprisonment in the discretion of the court.

Punishment.

Bribery or attempt to bribe a misdemeanor.

Subsec. (k). Any person who shall attempt to influence the vote of another by the use of intoxicating liquors, or shall bribe or offer to bribe any voter by the promise of anything as a reward to be delivered, or service to be performed prior to, at the time of or subsequent to the said primary election, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment in the discretion of the court.

Punishment.

Names of candidates to be printed on ballots.

Subsec. (l). It shall be the duty of the Board of Commissioners of the Town of Lumberton, upon the request of any candidate for any town office or of any other person in his behalf, and upon the payment of the actual cost of printing the ballots, at least two days before any such primary election is to be held, to have the name of such candidate printed on ballots and the ballots distributed at the voting precincts where such candidate is to be voted for; and the said board of commissioners shall also print upon the said ballots the office for which each person is a candidate: *Provided*, that the said candidate or any one in his behalf may provide said ballots.

Law governing election.

Subsec. (m). The provisions of this act relating to general town elections shall apply to the primary elections as herein provided in so far as the same relate to the hours of such primary elections and the right of challenge therein.

MAYOR'S COURT.

Mayor a special court. Jurisdiction.

Sec. 32. The Mayor of the Town of Lumberton is hereby constituted a special court with all the jurisdiction and powers in criminal offenses occurring within the limits of said town or within one mile thereof, which are or which may hereafter be given to justices of the peace; he shall preserve and keep the peace, and may cause upon proper proceedings persons charged or convicted of crimes in other counties or States, who may be found in the town limits, to be arrested and bound or imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said town, and to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the laws and rules and ordinances made by the commissioners of said town.

Jurisdiction of violations of town ordinances.

Proceedings in mayor's court.

Sec. 33. All proceedings in the mayor's court shall be the same as are now or may hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Robeson County.

Right of appeal.

Mayor to keep minutes. Force and validity of precepts.

Sec. 34. The Mayor shall keep a faithful minute of the precepts issued by him and of all his official proceedings. The precepts issued by him shall have all the force and validity of precepts issued by a justice of the peace, and may be executed and enforced against parties in the county of Robeson for the violation of any of the ordinances or by-laws of said town, in said town of Lumberton and elsewhere, in the same manner and by the same means as if the same had been issued by a justice of the peace for said county of Robeson.

Fees and salary of mayor.

Sec. 35. The mayor shall be entitled by law to the same fees as a justice of the peace in like cases and an additional salary to be allowed by the commissioners, to be not less than three hundred dollars per annum.

Warrants of mayor.

Sec. 36. The mayor may issue his warrants upon his own information of any violation of any town ordinance without a written affidavit, and may issue the same to the constable of the town, or to such officer as may be clothed with the powers of the constable, or to such other officers as a justice of the peace may issue his precepts.

Exclusive jurisdiction.

Sec. 37. No person arrested for a violation of the laws of North Carolina or the ordinances of the town shall be brought before any other person than the mayor for trial or submission, and no case shall be removed from said mayor for trial.

Violation of town ordinance a misdemeanor. Punishment.

Sec. 38. Every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisonment for not more than thirty days.

Convicts sentenced to labor.

Sec. 39. Whenever a defendant or witness or other person shall be adjudged to be imprisoned by the mayor, it shall be competent for the court to sentence such person to imprisonment in the county jail or town guard-house for a term not exceeding thirty days, and to provide that such person may be worked during the period of his confinement on the public streets or other public works of said town. In all cases where judgment may be entered against any person for a fine or penalty, and the person against whom the same is so adjudged refuses or is unable to pay such fine, penalty or judgment, then it shall be lawful for the court to order and require the person so convicted to work on the streets or other public works of said town until at a fair rate of wages such person shall have worked out the full amount of the fine, penalty or judgment, including the costs.

Fines and penalties to be worked out.

Fines and penalties to use of town.

Sec. 40. All fines or penalties collected under the provisions of this charter or under any ordinance of said town for any violation of a town ordinance shall go to the use of the town of Lumberton.

Tramps and vagrants.

Sec. 41. It shall be the duty of the mayor to have all persons who are tramps or vagrants as defined by the laws of North Carolina brought before him and to notify such tramps or vagrants to find employment within twenty-four hours or leave the town; or may cause such to be arrested, and upon conviction placed to work upon the streets or other public works for a period not exceeding thirty days.

POWERS OF COMMISSIONERS.

Corporate powers in mayor and commissioners.

Commissioners to form one board. Quorum.

When commissioners to convene.

Sec. 42. The corporate powers and authority granted to said town of Lumberton shall be vested in and exercised by the mayor and board of commissioners. The said commissioners shall form one board, and a majority thereof shall constitute a quorum and perform all the duties prescribed for commissioners. Within five days after notification of their election, they shall convene for the transaction of business and shall take the oaths prescribed for public officers, and the oath that they will faithfully and impartially discharge the duties imposed upon them by law.

Regular meetings.

Special meetings.

Regular meetings of said board shall be held on the first Tuesday in each and every month. Special or called meetings may be held at any time upon the call of the mayor or three of the commissioners, and of every such meeting those not joining in the call shall be notified by the town constable. The mayor shall preside at all meetings of the board, but shall have no vote except in case of a tie.

Mayor to preside at meetings.

Commissioners to fill vacancy in office of mayor.

Sec. 43. Any vacancy in the office of mayor shall be filled by majority vote of the board of commissioners of said town, and whenever necessary the said board shall have power to elect a mayor *pro tempore*, who shall be a citizen and elector of the town of Lumberton. Any vacancy occurring in the office of

Mayor pro tem.

commissioner shall be filled by the remaining members of the board, and the person selected to fill such vacancy shall hold office during the period for which his predecessor was elected and until his successor shall be elected and qualified as herein provided. Commissioners to fill vacancies in their body.

Sec. 44. Said mayor and board of commissioners shall have the management and control of all the affairs of said town and of its property, real and personal; they shall provide a common seal for said town, and shall have power to alter or change the same, and all contracts or paper-writings necessary to be executed by said town shall be executed in the name of the town of Lumberton by the mayor, attested by the town clerk and treasurer and the corporate seal of the town shall be thereunto affixed. Powers of mayor and commissioners. Execution of contracts.

Sec. 45. Said mayor and board of commissioners shall have power to enact such rules, regulations, ordinances and by-laws as they may deem necessary to secure the peace and good government of said town, and to enforce the same by imprisonment, fine or penalty, and the ordinances enacted by said board, with the pains and penalties pertaining thereto, may be enforced within the corporate limits of the said town and for one mile beyond and around said corporate limits. Rules, regulations, ordinances and by-laws.

Sec. 46. Said mayor and board of commissioners, in addition to the powers which they possess by law and which are conferred upon them by this charter, shall particularly have power to enact ordinances and to enforce same by imprisonment, fine or penalty, as follows: Particular powers.

(1) To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages and disorderly conduct. To enforce law and preserve order.

(2) To suppress gaming and bawdy-houses and to impose penalties by fine upon owners and agents knowingly leasing property to persons who conduct bawdy-houses. Gaming and bawdy-houses.

(3) To forbid and prevent the sale or other disposition of intoxicating liquors in any store or other place not duly licensed, and to forbid the selling or giving to be drunk of any intoxicating liquors to any minor without the consent of his or her parent or guardian. Sale of liquors.

(4) To prohibit, restrain and regulate all sports, theatrical exhibitions, circuses or any other public performances and exhibitions for money. Sports.

(5) To direct the location of all slaughter-houses; to abate or remove all nuisances of any kind, and to compel the owner or occupant of any grocery store, shop, stall, factory, tannery, stable, privy, hog-pen, sewer or other offensive, dangerous or unwholesome house or place, to cleanse, remove or abate the same whenever deemed necessary for the health, comfort, convenience or safety of the inhabitants of said town. Nuisances.

Explosives, fireworks and fires.

(6) To direct the location of all buildings for storing gunpowder or other combustible substances, and to regulate the sale of gunpowder, firecrackers, fireworks or other combustible materials, as well as the exhibition of fireworks, the discharge of firearms, the use of candles, lamps or lights, heating apparatus in stables and other buildings, and to prevent the making of fires in the streets, alleys or private yards.

Obstructions to streets.

Fast riding or driving.

(7) To prevent the obstruction of streets, walks, public alleys or bridges and compel all persons to keep sidewalks in front of their premises clear from sand, dirt, wood, boxes or other obstructions; fast or immoderate driving or riding on any street; railroads from obstructing the streets by their engines, coaches or cars, except when such engines, coaches or cars shall be actually employed in transit.

Route and grade of railroads and street railways.

Speed of locomotives, engines and cars.

(8) To determine and designate the route and grades of any railroad or street railway laid or to be laid on or over any street in said town, and to regulate the rate of speed of locomotives, engines and cars moving upon the same.

Bathing.

(9) To regulate or prohibit bathing in public places.

Drunkards, vagrants and beggars.

(10) To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms or subscriptions.

Animals running at large.

(11) To establish and regulate pounds, and restrain and regulate the running at large of dogs, horses, cattle, swine and all other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and for the cost of keeping same.

Unwholesome or offensive substances.

(12) To prohibit any person from bringing or depositing within the limits of said town any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction of the same, or of any putrid meats, fish, birds, or skins of any kind whatever found in any public market or private premises.

Quarantine regulations.

(13) To require the removal from the populous parts of the town of all persons having infectious or pestilential diseases, and to prohibit and prevent all persons recently from any place where any contagious or infectious disease exists, or has recently existed, from entering said town, and to prevent all goods and chattels from being brought to said town from said place; and generally, by their ordinances or otherwise, to adopt such precautionary measures to prevent the introduction of infectious or contagious diseases into said town as they may deem expedient; they shall also have power to prevent or restrain communication with the inmates of any house in said town in which any person may be afflicted with any infectious or contagious disease.

Vending of wood and provisions.

(14) To regulate the vending of wood, meats, vegetables, fruits, fish, poultry and provisions of all kinds, and to prescribe the time and place for selling the same and of ascertaining the weight and quality thereof.

(15) To establish, make, regulate and preserve public reservoirs, cisterns, hydrants and pumps, and to prevent injury to the same or waste of water. Water supply.

(16) To provide for paving, repairing, cleaning and keeping in order the streets, bridges and public alleys, providing lights for the same, and the protection and safety of the street lamps. Streets and street lamps.

(17) To protect and preserve shade trees in the streets, and regulate the planting of the same, and to cause such trees to be pruned and trimmed so that the same shall not obstruct or prevent the proper lighting of the streets. Shade trees.

(18) To require any merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight to cause their weights and measures to be sealed by the standard keeper, and to be subject to his inspection. Weights and measures.

(19) To require the abatement and removal of all nuisances and to pull down and remove any building in said town when the same may be considered dangerous to the safety of persons or property: *Provided*, that before such removal the owner of such property shall be notified in writing by the clerk of the board of such action and allowed two weeks for repairing or removing the same. Any damages arising to any owner under this section shall be paid by the town, and the amount thereof determined by arbitration or otherwise: *Provided further*, that the damages need not be assessed or paid before the removal of the nuisance. Abatement of nuisances. Dangerous buildings. Proviso: time allowed owner. Damages. Proviso: removal before damages assessed.

Sec. 47. Any and all ordinances passed by said commissioners by virtue of the police powers vested in them by this charter, or the general laws of the State, shall apply to the territory within the corporate limits of said town and for one mile beyond said limits in every direction unless in the ordinances it is otherwise provided: *Provided, however*, that this clause shall not be construed to permit the levy of any tax on the poll or property of the inhabitants beyond the corporate limits, or to the restriction of the kind or class of buildings erected outside of said corporate limits. Application of ordinances. Proviso: limitations.

STREETS.

Sec. 48. The board of commissioners of said town shall have power to lay out or open any new street or streets within the corporate limits of said town whenever deemed necessary by it, and it shall have the power at any time to widen, enlarge, change, extend, narrow and discontinue any street or streets within said corporate limits whenever it may so determine, by making a reasonable compensation to the owners of property damaged thereby. In any case where the owner of the land damaged cannot agree with the commissioners in regard to the value of the land or property damaged, or the amount of damages, the mayor of the town shall issue his warrant to the town constable commanding him to summon three disinterested freeholders of the said town, Powers of commissioners as to streets. Procedure for assessment of damages.

who, together with two disinterested freeholders, to be selected by the party claiming damages, shall determine the value of said property and assess the damages, having due regard to the benefits accruing to the property as well as the damages thereto, after which they shall return a written report of their proceedings and findings into the office of the mayor, there to be filed. Before proceeding to view said premises and assess said damages, the parties so summoned shall take oath before some person authorized by law to administer oaths, to make a fair, just and impartial discharge of the duties of appraiser and assessor. If the party damaged or claiming damages refuses to select two appraisers as provided herein, the report of the three summoned in behalf of the town shall be final. If either a majority of the commissioners or the property owner be dissatisfied with the report of the appraisers, then they may appeal to the Superior Court of Robeson County, and in that case the proceedings and reports of the appraisers therein shall be docketed upon the civil issue docket of the Superior Court of Robeson County, and the cause there tried as other civil cases: *Provided, however*, that the said board shall not have to await the fixing of damages or the payment thereof before proceeding to open any new street or make any desired change; and no appeal shall have the effect of staying further proceedings pending the determination of the appeal, but said board shall have the power to proceed to open or change such street at once, the damage to be assessed and determined later and as provided herein.

Appeals.

Proviso: appeal not to delay work.

Commissioners may require sidewalks to be paved.

Sec. 49. The board of commissioners of said town shall have the power and authority to cause the sidewalks fronting upon Chestnut, Elm, First, Second, Third, Fourth, Fifth and Sixth Streets in said town, or such portions thereof as it may determine, to be improved or paved in such manner as said board may direct, and to that end may require every owner of a lot or person having as great an interest therein as a lease for five years, which shall front upon any of the streets above named, to improve such sidewalks (including curbing and guttering), as far as it may extend along such lot, in such manner as the said board may direct; and on his failure to do so within twenty days after notice by the town constable to said owner or lessee, if he be a resident of Robeson County, or if a non-resident, to his agent, or if he have no agent, then after publication in some newspaper published within Robeson County for thirty days, calling upon such owner to make such repairs, then the said board of commissioners may cause the sidewalks (including curbing and guttering) upon the streets above named, to-wit, upon Chestnut, Elm, First, Second, Third, Fourth, Fifth and Sixth Streets, or upon any portion or portions thereof, to be paved, improved or repaired either with brick, stone, gravel, macadam, cement or otherwise at its discretion, and the expense thereof shall be paid

Work done by town on failure of owner.

Division of expense.

one-half by the town and one-half by the person owning or leasing said property. The amount due by said owner or lessee shall be a lien upon said lot, and if not paid within sixty days after the completion of the repairs and notice from the town clerk and treasurer, such lot may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes, or said board may at its option institute a civil action against such owner or lessee in the name of the town, to recover the amount due.

Proportion of owner a lien on lot.

Sale of lot in default of payment.

Sec. 50. The board of commissioners of said town shall have the power and authority to cause Chestnut, Elm, First, Second, Third, Fourth, Fifth and Sixth Streets, or such portions thereof as it may determine, to be improved or paved under the same regulations and procedure as provided in the preceding section for the paving and improving of the sidewalks upon the streets named; and said streets, or the portion thereof selected by said board, shall be improved in the manner designated by said board under the same conditions, rules and regulations as above provided for the improvement of the sidewalks; and in case said board shall order such streets to be paved or improved, one-half of the expenses shall be paid by the town of Lumberton, and the abutting owners or persons having so great an interest as a lease for five years, on either side of the street paved or improved, shall each pay one-fourth of such expense. The amount due the town shall be a lien upon the abutting property to the extent of the amount due by the owner or lessee thereof, and if the same is not paid within sixty days from the completion of the work, then such lot may be sold under the same rules and regulations as are provided in the preceding section. The term "street," as used in this section, shall be construed to mean the portion from inner curb to inner curb, and shall include all except the sidewalk.

Streets to be paved.

Division of expense.

Amount due town a lien on property.

Sec. 51. So much of the town of Lumberton as is embraced and included within Chestnut, Elm, First, Second, Third, Fourth, Fifth and Sixth Streets is hereby constituted and fixed as a district for assessment for paving, and the board of commissioners of said town shall have power to enact such ordinances as may be necessary to carry out the provisions of this charter relating to streets, sidewalks and paving as may be necessary.

District for assessment for paving.

SEWERAGE AND WATER SYSTEM.

Sec. 52. The board of commissioners of said town is hereby invested with power to lay and maintain a system of sewerage and water-works for public convenience through the streets of said town, and to extend said system through the lands of any person or corporation situate within or without the corporate limits, and for that purpose may cause the land necessary for that purpose

Commissioners may lay and maintain sewerage system and water-works.

Power to condemn land.

to be condemned in the same manner as provided by this charter for the condemnation of lands for the opening of new streets, and the damages sustained by the owner of such land shall be ascertained and assessed in the same way and with the same rights and remedies as provided in this charter for the condemnation of land in laying out new streets in said town: *Provided, however*, that as soon as such land shall be condemned the commissioners may appropriate the same immediately, and before the ascertainment or payment of the damages herein provided for, and no appeal shall have the effect of staying the laying of lines upon the condemned property.

Proviso: immediate use of land condemned.

Powers of commissioners over sewers and water-works.

Sec. 53. The said board of commissioners shall have full control and authority over the present system of water-works and sewerage and any extension thereof, and shall have the right to fix and prescribe the charges or tolls for the use thereof by any person whomsoever, and to collect such charges, and shall have full power and authority to make such rules and regulations as it may deem necessary or expedient for the regulation and control of said system, and may enforce the same by fine or imprisonment.

Protection of water supply.

Sec. 54. It shall be unlawful for any person, firm or corporation to flow or discharge sewerage, or cause the same to be done, or deposit any filth or decaying matter into Lumber River or any tributary, or upon the water-shed thereof for ten miles above the intake of the system of water-works of the town of Lumberton as now located or as hereafter established, and the said water-shed of Lumber River for the space of ten miles above said intake shall be subject to all the provisions of chapter seventy-six of the Revisal of one thousand nine hundred and five of North Carolina, entitled "Water Supplies."

ELECTRIC LIGHTS.

Electric light system.

Sec. 55. The board of commissioners of said town shall have full power and authority to establish, equip, maintain and conduct a system of public electric lighting, and to extend the present system now owned and in use by the said town; and said board of commissioners shall have full power and authority to do any and all necessary things for the maintenance of the said system and the extension of the same, and shall have the power to regulate and direct the manner in which all buildings in said town shall be wired, and the manner in which connections may be made, and shall have full charge, control and direction of all electric lighting in said town, and to that end it shall have full power and authority to fix the charges for the use of current, make such rules and regulations as may be necessary for the proper conduct of said plant, and to enforce such rules and regulations by such ordinances and the imposition of such fines, penalties or imprisonment as may be necessary or expedient.

Charges for use.

FIRE DEPARTMENT.

Fire department.

Sec. 56. The said board of commissioners shall have power to organize, equip and maintain a sufficient fire department for the extinguishment and prevention of fires in said town. It shall have the power and it shall be its duty to prescribe the age, qualifications and terms of service of all firemen; to elect the chief, foreman and other officers, and to adopt such rules and regulations for the good government of said department as may be advisable, and to enforce such regulations by the imposition of such fines, penalties or imprisonment as may be necessary.

Salaries and exemptions.

Sec. 57. The board of commissioners shall have power and authority to pay such salaries to the chief and foreman of said fire department as it may deem necessary, and shall have power and authority to exempt from all municipal taxes such number of persons not exceeding ten as it may desire on account of services to be rendered by the fire department.

Powers of chief of fire department and foremen.

Sec. 58. The chief of the fire department and the several foremen shall be clothed with all the powers, and invested with the same duties during the continuance of any fire as the town constable, and any person resisting the chief of said department or any foreman in the discharge of his duties as such, or shall fail to obey his lawful orders, shall be guilty of a misdemeanor, and shall upon conviction be fined or imprisoned or both, in the discretion of the court.

Disobedience of orders or resistance to officers, misdemeanor.

Punishment.

Fire limits.

Sec. 59. It shall be unlawful for any person to erect or build any wooden house or structure, or make any wooden additions to any building, or repair or cover the outside surface of any building with any material other than metal or slate within the following territory, which is hereby declared to be the fire limits, to-wit: Beginning at the northwest corner of lot number seventy-seven upon the official map of the town of Lumberton, and running thence as the eastern boundary of the eastern sidewalk upon Chestnut Street, south three degrees and ten minutes west, across the right-of-way of the Carolina Central Railroad Company, to a stake which is two hundred feet south of the center of the main track of said railway; thence parallel with the said main track of the said railway in a northwesterly direction, six hundred and fifty feet, to a stake; thence north three degrees and ten minutes east to the southern edge of the southern sidewalk upon Sixth Street; thence direct to the beginning. Any person violating the provisions of this section shall be guilty of a misdemeanor, and shall upon conviction be fined not more than fifty dollars or imprisoned not more than thirty days.

Boundary.

Violation of section a misdemeanor.

Punishment.

Commissioners may change fire limits.

Buildings and repairs within fire limits.

Sec. 60. The board of commissioners of the said town shall have the power and authority to change the said fire limits at any time, and to contract or extend and enlarge the same, and it shall be unlawful for any person to locate, erect, build, or

cause or procure to be located, erected or built, or be engaged in or assist in locating, erecting or building within any fire limit as constituted by said board of commissioners any wooden building or structures of any description having wood as a part of the outer surface or in any way attached to the outer surface of the same, or to repair with wood the outer surface of any building or structure after the same has been built, or to remove any wooden building from without to within any fire limit said board shall establish. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall upon conviction be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor

Punishment.

CEMETERIES.

Interments.

Sec. 61. The said board of commissioners shall have power and authority to regulate the interment of dead bodies within the corporate limits of the town of Lumberton, and to forbid the interment of any dead body within such corporate limits.

Cemeteries.

Sec. 62. The said board of commissioners shall have full power and authority to establish such cemetery or cemeteries as may be deemed necessary, whether the same be located within the corporate limits of the said town or not; and to that end it shall have power to purchase property for that purpose, and to improve the same, and to sell or lease lots or space therein for the interment of bodies; and it may make such rules and regulations as it may deem necessary for the government of such cemetery, and enforce the same by such fines, penalties or imprisonment as may be necessary.

Police power extended to cemetery.

Sec. 63. The police power of the mayor and board of commissioners of the said town of Lumberton shall extend to and include the property lately purchased by said town from the late B. Godwin, Esq., for use for cemetery purposes; and the cemetery established or to be established upon said property shall be under the complete police control and regulation of the said board of commissioners, and any ordinance which it may enact shall apply to the ground covered by the said cemetery with the same force and effect as though said cemetery were located within the corporate limits of the town of Lumberton.

Interments in present cemetery forbidden.

Sec. 64. It shall be unlawful for any person to bury or cause to be buried or interred any other dead body or bodies in the cemetery in said town located near the depot of the Seaboard Air Line Railway Company and fronting upon Elm Street in said town; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall upon conviction be fined or imprisoned in the discretion of the court: *Provided, however*, nothing in this section shall be construed to prevent the disinterment and removal of any body now buried in the said cemetery to any other cemetery, or prevent the removal

Misdemeanor.

Punishment.

Proviso: disinterment and removal.

of any such body from one part of the same cemetery to any other part of such cemetery: *Provided further*, that it shall be the duty of the board of commissioners of the said town to cause the said cemetery to be well kept up and preserved in a neat and suitable manner, and to prevent depredation therein, and to make the necessary rules and regulations for this purpose. Proviso: cemetery to be kept up.

HOSPITALS.

Sec. 65. It shall be lawful for the board of commissioners of said town to maintain a hospital and dispensary for the maintenance and medical care of all such sick and infirm persons as may from time to time become objects of charity or chargeable upon the said town; or to make such donation as it may think proper to any hospital or sanitarium established or to be established in said town by private individuals, such donations to be used entirely for the support of a charity ward or bed therein; and it shall have power and authority to make such donations as it may deem expedient for the support of the poor, aged or infirm of said town; and make such rules, regulations and ordinances as may be necessary or appropriate in connection with the subjects of this section. Hospital and dispensary. Donations to private hospitals. Support of poor, aged or infirm.

Sec. 66. The said board of commissioners shall have power and authority to make all proper regulations for the public health and comfort, for the removal of night soil, designating and providing the place to which it may be removed, and to license and bond such scavengers who may be appointed or engaged in said work, and regulate their charges; and the said board shall have full power and authority to abolish the system of surface privies, or to levy such tax thereon as may be necessary, and shall have full charge, control and direction of all surface privies, and may declare same to be a nuisance and cause their entire abolition; and make such rules and regulations, and enact such ordinances as may be necessary to carry the provisions of this section into full effect. Public health and comfort. Surface privies.

Sec. 67. The said board of commissioners may take such steps as it may deem necessary to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; and may stop, detain and examine for that purpose any and every person coming from places believed to be infected with such disease; and may cause any person in the town suspected to be infected with such disease, and whose stay may endanger the health of the town, to be removed to such place as the mayor may direct; and may remove from said town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; and may Quarantine powers.

abate by any reasonable means all nuisances of whatever nature or kind which may be injurious to the public health.

Forfeit for resistance to quarantine regulations.

Sec. 68. If any person shall attempt by force or by threat of violence to prevent the removal to such place as the mayor may direct of any person ordered to be conveyed thither, the person so offending shall upon conviction forfeit and pay to the town the sum of fifty dollars, and moreover be guilty of a misdemeanor.

GRADED SCHOOLS.

Graded school district.

Sec. 69. The town of Lumberton shall be and constitute a public school district to be called Lumberton Graded School District.

Trustees for public schools.

Sec. 70. R. D. Caldwell, J. G. McCormick, Stephen McIntyre, W. H. Humphreys, K. M. Biggs, A. E. White and George B. McLeod are hereby constituted a board of trustees for the public schools of said district, and shall serve for the period herein indicated and until their successors are elected and qualified.

Terms of office.

The said R. D. Caldwell, J. G. McCormick, Stephen McIntyre and W. H. Humphrey shall hold office until the first Monday in May, one thousand nine hundred and eight; and said K. M. Biggs, A. E. White and George B. McLeod shall hold office until the first Monday in May, one thousand nine hundred and nine, and upon the expiration of the terms above mentioned or any of them, their successors shall be elected by the voters of the town of Lumberton in the manner herein provided, and shall hold their offices for two years and until their successors are elected and qualified as herein provided.

Trustees incorporated.

Sec. 71. The said board of trustees and their successors in office shall be and are hereby constituted a body politic and corporate by the name and style of The Board of Graded School Trustees of Lumberton, and by that name may sue and be sued, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange or sell the same, and exercise such other rights and privileges as pertain to corporations under the general laws of North Carolina. All vacancies caused by death, resignation, removal from the district or otherwise shall be filled by the remaining members of the board of trustees. The members of the board shall elect from their number a chairman and a secretary, and the Town Clerk and Treasurer of the Town of Lumberton shall be *ex officio* the treasurer of said board and the funds belonging thereto. The position of graded school trustee shall not be considered an office within the meaning of article fourteen, section seven of the Constitution of North Carolina.

Corporate name.

Corporate powers.

Vacancies.

Organization.

Trustees not officers.

Duty of trustees.

Sec. 72. It shall be the duty of said board of trustees to establish and maintain in said district a system of public schools for all children resident therein between the ages of six and twenty-one years. The said trustees shall have exclusive control

Powers of trustees.

of such schools; shall prescribe rules and regulations for their conduct and control; employ, fix the compensation of and dismiss the superintendents, officers and teachers therein, and exercise all powers that may be needful for the proper and successful operation thereof. Said board of trustees may admit to said school pupils from outside the district under such conditions and terms as it may prescribe; it shall cause to be taken from time to time, in accordance with the general law, an accurate census of the school population of the district, and shall make such reports of the operation of said schools as may be required by law or by the State Superintendent of Public Instruction, and shall make reports to the County Board of Education of Robeson County, as required by law from the public schools.

Outside pupils.

School census.

Reports.

Sec. 73. All funds belonging to the school fund as herein provided shall be kept by the treasurer of said board, and shall be under the control of the board of trustees, and shall be disbursed only upon warrant signed by the chairman and secretary of said board, and such warrants shall be the only valid vouchers in settlement. A suitable bond to be fixed by the board of commissioners shall be required of the Town Clerk and Treasurer of the Town of Lumberton, as *ex officio* treasurer of the school fund as herein provided, in an amount sufficient to secure all school money which may at any time come into his hands; and the said treasurer shall make such reports and statements as may be required of him from time to time by the said board of trustees or by the Board of Commissioners of the Town of Lumberton; and it shall be the duty of said treasurer to prepare and present to said board of trustees semi-annually, or at any time when required, an account showing all receipts and disbursements made by him during the preceding six months or period called for by the board, together with an accurate statement of all funds on hand and of the condition of the school fund, with such other and further information as may be required of him by the said board of trustees. The said board may allow to the treasurer such compensation for his services as it may deem just.

School funds.

Warrants.

Bond of treasurer.

Reports and statements of treasurer.

Semi-annual accounts.

Sec. 74. Any and all amounts which may be apportioned from the county school fund or from the State of North Carolina for said district under the general school law of the State or under any other act of assembly or otherwise, shall be hereafter paid direct by the county treasurer to the treasurer of the said board of graded school trustees; and the said graded school district shall be entitled to receive a proportionate amount of all funds to the credit of the public school districts, white and colored, in which the town of Lumberton was located just prior to the passage of this act, which may be in the hands of the county treasurer at the time of the ratification of this act, such proportionate part of said funds to be determined in accordance as the number

Apportionment from general fund.

of children contained in the graded school district hereby established bears to the total number of children in the public school district in which said town of Lumberton was located just prior to the passage of this act, and the county treasurer shall at once ascertain such proportion and pay over such proportionate part of such funds to the treasurer of the said graded school district.

Robeson Institute may be leased or sold to trustees.

Sec. 75. The trustees of Robeson Institute are hereby authorized and empowered to lease or sell to the Board of Graded School Trustees of Lumberton the property, both real and personal, now held by them as trustees of Robeson Institute.

Debt for graded school purposes.

Limit.

Bond issue authorized.

Sec. 76. The town of Lumberton is hereby authorized and empowered to create a debt for graded school purposes and all necessary expenses connected therewith to an amount not exceeding twenty-five thousand dollars, and may issue bonds to that amount or in less amount for that purpose in the name of the Town of Lumberton, in denomination and form and payable at

Term of bonds.

Interest.

said place and time, not exceeding thirty years, and bearing interest at no greater rate than six per centum per annum, payable annually or semi-annually, as the board of commissioners may determine.

Bond issue subject to approval of voters.

Notice of election.

Law governing election.

Sec. 77. The bonds for graded school purposes shall not be issued until approved by a majority of the qualified voters of said town, after thirty days' notice at the court-house door in the town of Lumberton and four other public places in said town, at an election to be held under the same rules and regulations as are herein provided for elections in said town; such notice shall set forth the object for which the bonds are to be issued, the amount of the same, the rate of interest, the time that they mature and the rate of tax to be levied to pay the principal and interest thereon. The qualified voters approving the issue of said bonds and the levy and collection of the taxes to pay same shall deposit in a ballot box provided for that purpose a written or

Ballots.

printed ballot with the words "Graded School Bonds: Approved" thereon, and those disapproving the same shall deposit a like ballot with the words "Graded School Bonds: Disapproved" thereon. If at said election a majority of such voters shall vote "Graded School Bonds: Approved," then the mayor and board of commissioners of the said town shall issue the bonds provided for in such notice, and shall levy and cause to be collected the

Proviso: election only ordered on petition.

tax therein named and authorized by this act: *Provided*, no election shall be ordered unless a petition requesting the same, signed by a majority of the qualified voters of said town, be presented to the mayor and commissioners thereof, setting forth the matter above required in the notice of election.

Authentication of bonds.

Sale of bonds.

Sec. 78. The said bonds shall be issued under the signature of the mayor of the said town, and attested by the town clerk and treasurer under the official seal of said town, and the mayor shall, under the direction of the board of trustees of said graded schools,

dispose of said bonds at a sum not less than par value, and the proceeds thereof shall be used for the purpose of purchasing property, erecting, improving and equipping buildings for graded school purposes and all necessary expenses connected therewith. Disposition of proceeds.

Sec. 79. That for the purpose of paying the interest on said bonds as it falls due, and for providing a sinking fund for the redemption of said bonds when due, or for purchasing or cancelling the same before due, it shall be the duty of the board of commissioners of said town, at the time fixed for the levy of other taxes in the same, to levy and cause to be collected with the other taxes each year, so long as any of the said bonds are unpaid, a sufficient special tax upon all the subjects of taxation within the town of Lumberton which are subject to taxation for ordinary municipal purposes, as herein provided, which taxes, so collected, shall at all times be kept separate and distinct and used only for the purpose above set out: *Provided*, that so much of the tax levied each year as may not be required to pay the interest on said bonds, and which cannot be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds; and to increase the due investment of the above described amounts from time to time it shall be the duty of the town clerk and treasurer, under the direction of the board of commissioners, to make investment of said amounts and to do and perform all such other services in connection with said bonds as said commissioners may prescribe: *Provided further*, that the said board of commissioners of said town may require an official bond of the clerk and treasurer, not exceeding ten thousand dollars, for the faithful discharge of all duties pertaining to his office: *Provided further*, that the rate of taxation in said town (not including license and privilege taxes) shall not at any time exceed the rate of one dollar and fifty cents on every hundred dollars' valuation, and a poll tax not exceeding four dollars and fifty cents, with which to pay both the ordinary expenses of said town and the special taxes provided for in the acts heretofore enacted for the issuance of bonds by the said town and the special taxes for the bond issue herein provided for. Tax for interest and sinking fund. Proviso: investment of sinking fund. Proviso: bond required of clerk and treasurer. Proviso: limit of tax rate.

Sec. 80. The bonds authorized to be issued by this act and their coupons shall not be subject to taxation by said town until after they become due or tender of payment shall have been made by the town through the treasurer, and the coupons shall be received in payment of town taxes for any fiscal year in which they become due, or thereafter; and if the holders of any of said bonds or coupons shall fail to present the same for payment at the time and place herein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity. Bonds exempt from town tax.

Record of bonds.

Sec. 81. The clerk and treasurer of said town shall keep a record in which shall be written the name of every purchaser of a bond and the number and amount thereof, and he shall keep an accurate account of the coupons and bonds which shall be paid and cancelled, so that the true state of the bonded indebtedness of the town shall be readily seen and ascertained at any time by any taxpayer of said town.

Lithographed signatures legalized.

Sec. 82. The lithographed signature to the said coupons and to the bonds provided for in this act shall be deemed a sufficient signing thereof by the mayor and by the town clerk and treasurer.

Graded school bonds independent of other bonds.

Sec. 83. The bonds herein provided for graded school purposes shall be separate from and independent of the bonds heretofore issued by said town of Lumberton for any purpose whatsoever; and shall also be separate from, independent of and in addition to the provisions for the issuance of bonds for public improvements, as is provided in this charter; and the power to issue bonds for graded school purposes shall be in addition to the power contained in this charter for the issuance of bonds for town improvements.

Election on special tax for graded schools.

Sec. 84. Upon receipt of a petition in writing signed by a majority of the qualified voters of the town of Lumberton, it shall be the duty of the board of commissioners of said town to submit the question of the levying of a special tax for the support and maintenance of the graded schools herein provided for at any annual municipal or at any special election called by it for that purpose.

Notice of election.

Sec. 85. Notice of said election shall be published at the courthouse door and four other public places in said town for thirty days preceding said election. Said notice shall contain the object for which the tax is levied, the amount of same and the time and place at which such election shall be held. The said election shall be held under the same rules and regulations as are provided for in this charter for other town elections; and said election may be held at the same time as an election for the purpose of issuance of bonds for graded school purposes, or at the time of the regular annual election, or at a different time.

Ballots.

Sec. 86. The vote on said proposition shall be by ballot, upon which shall be written or printed the words "Special Tax for Graded School: Approved," or "Special Tax for Graded School: Disapproved," and if a majority of the qualified voters shall vote "Special Tax for Graded School: Approved," then it shall be the duty of the Board of Commissioners of the Town of Lumberton to levy an annual tax for graded school purposes in the amount and at the rate as set forth in said notice of election:

Proviso: limit of tax.

Provided, said special tax for graded school purposes shall be not more than thirty cents upon the hundred dollars valuation of property in said town and not more than ninety cents on each

poll; and said special taxes shall be collected as other town taxes and paid over to the treasurer of the graded school fund and shall be used for the support and maintenance of said schools: *Provided further*, that the total taxes levied upon said town, including the special tax for graded schools, and also including the taxes levied on account of any issue of bonds heretofore made or which may be hereafter made for any purpose whatsoever, shall never exceed one dollar and fifty cents upon the hundred dollars' valuation of property and four dollars and fifty cents upon each taxable poll. Proviso: limit on total tax rate.

Sec. 87. In no event shall the proposal to levy said special tax for graded school purposes in any way affect any of the other provisions of this act relating to graded schools, so as to make the same void or inoperative should the proposal to levy said special taxes for the support and maintenance of said graded school be defeated at any election at which the same may be submitted on a vote of the qualified electors of said town as hereinbefore set forth. Other provisions of law not affected.

BOARD OF AUDIT AND FINANCE.

Sec. 88. The Board of Audit and Finance of the Town of Lumberton shall consist of three persons, and John B. Pitman, T. A. McNeill and Frank Gough are hereby constituted a Board of Audit and Finance for the Town of Lumberton to serve until the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified. Their successors shall be elected by the voters of the town of Lumberton in the same manner as are other municipal and town officers, on the first Monday in May, one thousand nine hundred and seven, and shall hold office for one year and until their successors are elected and qualified. All vacancies caused by death, resignation, removal from the town or otherwise shall be filled by the remaining members of the said board. The members of the board shall elect from their number a chairman and secretary. Before entering on their duties the members of said board shall take and subscribe an oath that they will faithfully and impartially discharge their duties as provided by law to the best of their skill and ability, before some person authorized to administer oaths. No member of said board shall be eligible to serve as mayor or commissioner of said town while a member of said board of audit and finance. The position of member of said board shall not be considered an office within the meaning of article fourteen, section seven of the Constitution of North Carolina. Board of audit and finance. Term of office. Election of successors. Vacancies. Members of board to qualify.

Sec. 89. The said board of audit and finance shall hold regular meetings, at least once in each month, at a time to be selected by it, and said meeting shall be open to the public. The chairman or any two members of the board may call a special meeting of Meetings of board. Special meetings.

said board at any time, due notice whereof shall be given in writing to those not joining in the call. The secretary shall keep a record of the proceedings of said meetings, and shall perform such other services as may be required of him by the said board. The chairman of said board shall have the power to administer oaths and issue subpœnas for witnesses to appear before the board, and such witnesses may be required to appear and testify under like pains and penalties as if summoned to any Superior Court.

Duties of secretary.

Powers of chairman.

Duties of board.

Sec. 90. The said board shall, at such times during each year as it deems necessary, and at the end of each fiscal year audit and cause to be settled the accounts of the town clerk and treasurer and of all other employees of said town or any person holding any funds or property belonging to the said town, and at such settlements it shall be the duty of the said board to carefully scrutinize all such accounts and to make careful inquiry as to the accuracy of all such, and to that end shall have full power and authority to summon persons and papers and to administer oaths. In all settlements, the person charged therewith shall be required to make and file with said board an affidavit declaring that the account so filed by him is true to the best of his knowledge, and said board may also examine him upon oath as to the matters contained in said account.

Statements to be published.

Sec. 91. The said board shall cause to be published at the court-house door in said town at the end of each fiscal year a full, true and perfect statement of the condition of each and every of the particular funds belonging to the said town, and such statement shall show the amount of the indebtedness of each fund and of the amount on hand, and of all receipts and disbursements during the fiscal year; and there shall be likewise published a statement showing the total indebtedness of the said town and the items thereof. Attached to each of said accounts shall be the affidavit of the town clerk and treasurer that the same is true, together with the endorsement of the board of audit and finance thereon, as to the correctness or incorrectness of the said accounts or any of them.

Affidavits.

Board may employ accountant.

Sec. 92. The said board is authorized and empowered, whenever in its discretion it may deem it necessary, to employ an expert accountant, who shall make a careful and thorough investigation of the financial condition of the said town and of all accounts in connection therewith, and perform such other services as the said board may deem necessary and which it may require of him. Said accountant shall be paid such sums for his services as the said board may determine, to be paid from such particular fund or funds as said board may decide.

Pay of accountant.

Power of board to suspend officers.

Sec. 93. If at any time any officer or employee of the town shall be found in default in moneys due to the said town or any

fund thereof, or in case the accounts of any officer or employee of the said town shall be found to be incorrect, or in case any irregularity be found in any of the accounts of any officer or employee, the said board of audit and finance shall have power to suspend such officer or employee and to assume charge of such accounts and funds pending a determination of the matter by the board of commissioners, and the board of commissioners of said town shall determine the matter, and discharge or restore such officer; and if he be discharged, such board of commissioners shall elect his successor. The said board of audit and finance shall once in every three months cause to be posted at the court-house door in said town a statement of all claims and demands against the said town which have been audited and paid, giving the respective amounts claimed and allowed, the character of said claim and the name of the claimant. It shall be the duty of the said board to pass upon and approve the official bonds of all officers and employees of the said town, and no contract even of the necessary expenses of said town, nor any bond, note, contract or other obligation in behalf of said town for any amount greater than the sum of five hundred dollars for any one purpose shall be valid and of any effect against said town, unless the same be approved by said board of audit and finance, and such approval be endorsed thereon.

Quarterly statements to be posted.

Board to pass upon bonds.

Contracts invalid unless approved by board.

Sec. 94. The chairman of the Board of Audit and Finance of the Town of Lumberton shall be *ex officio* Commissioner of the Sinking Fund of the Town of Lumberton, and shall have all the powers and perform all the duties incident to this position by any and all acts of the General Assembly authorizing or requiring a sinking fund on account of any bond issue made by said town. He shall enter into bond with good and sufficient surety, to be approved by the board of commissioners of said town, in such sum as said board of commissioners shall fix, to be not less than five thousand dollars, with good and sufficient surety, payable to the town of Lumberton, and conditioned for the faithful performance of all duties incident to said office, or which may be hereafter imposed upon him, and for the proper accounting for all moneys or other thing of value which may come into his hands by virtue of his said position.

Commissioner of sinking fund.

To give bond.

Sec. 95. All moneys, notes, mortgages or other securities which are now on hand for the benefit of or belonging to the sinking fund of said town shall be at once turned over to the chairman of the board of audit and finance of the said town in his capacity of commissioner of the sinking fund, and all moneys received from all taxes levied and collected or to be levied, and which may from time to time be levied and collected, for the redemption of any bonds heretofore issued by said town, or which may be hereafter issued, shall likewise upon collection be turned over

Sinking fund to be turned over to commissioner.

to said commissioner, and it shall be the duty of the said commissioner to forthwith take charge and control of said sinking fund and to invest the same as required by law. In making investments, preference shall be given to first mortgages upon real estate located within the town of Lumberton, and all investments, before being made, and all securities proposed to be taken shall be submitted to the full board of audit and finance of said town, and by it approved before such investments shall be made or the proposed securities accepted.

Investments of sinking fund.

Investments in name of town.

Sec. 96. All investments shall be made in the name of the Town of Lumberton, and shall show upon their face that the fund belongs to the sinking fund of said town and is for the benefit thereof, and the said commissioner shall be responsible for the safety of such investments and for the accounting for, return and payment to the person or persons authorized by law to receive the same of all moneys by him invested. Said commissioner shall at the end of each fiscal year cause to be published at the courthouse door in said town a statement showing the true condition of said sinking fund, giving the amount and character of the investment and the place of deposit of the securities belonging to it. His accounts shall be audited and settled by the board of audit and finance of said town, and its endorsement shall be placed upon all published statements as to the correctness or incorrectness of said statement.

Annual statements to be published.

Interest of officers in contracts with town forbidden.

Misdemeanor.

Punishment.

Sec. 97. No mayor, commissioner, town officer or member of the board of audit and finance shall become directly or indirectly a contractor for work to be done for said town, or be interested in the sale to said town of any property required for its use; and any person herein offending shall be guilty of a misdemeanor, and shall upon conviction be fined or imprisoned at the discretion of the court, and his position shall be declared vacant, and such position shall be filled by the Board of Commissioners of the Town of Lumberton.

BONDS FOR PUBLIC IMPROVEMENT.

Bonds for public improvements.

Sec. 98. The said town of Lumberton is hereby authorized and empowered to create a debt, in addition to the debts heretofore created, whether evidenced by bonds heretofore issued by said town or otherwise, for public improvements, such as grading and paving streets and sidewalks; extending the system of waterworks and sewerage; in the purchase of engines, apparatus and equipment for the fire department; for improving and extending the system of electric lighting and expenses; for the purchase of the land necessary for the use of the said town; and for the erection of buildings thereon, to be used entirely or in part for municipal purposes as a Town Hall; to provide for the payment of the accumulated and floating debt of the said town; and for any other

improvements of a public nature, to an amount not exceeding fifty thousand dollars, and may issue bonds to that amount or any less amount for any one, or more, or all, of said purposes in the name of the said Town of Lumberton, in denominations and form, and payable at such place and time, not exceeding forty years, and bearing interest at no greater rate than six per cent. per annum, payable annually or semi-annually, as the board of commissioners may from time to time determine. Limit. Term of bonds. Interest.

Sec. 99. The bonds for any of the aforesaid purposes shall not be issued until approved by a majority of the qualified voters of said town, after thirty days' notice at the court-house door, at an election to be held under the same rules and regulations as are provided herein for election in said town; such notice shall set forth the object or objects for which bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied to pay the principal and interest on the bonds. The qualified voters approving the issue of such bonds and the levy and collection of the taxes to pay the same shall deposit in the ballot box a written or printed ballot with the word "Approved" thereon; and those disapproving the same shall deposit a like ballot with the word "Disapproved" thereon. If at such election, a majority of such voters shall vote "Approved," then the mayor and board of commissioners of the said town shall issue the bonds provided for in such notice, and shall levy and cause to be collected the taxes therein named and authorized by this act. Bond issue to be approved by voters. Notice of election. Ballots.

Sec. 100. At such election, upon the proper notice being given as above set forth, the question of issuing bonds for more than one purpose within the meaning of this act may be voted on in separate boxes, under the same rules and regulations as above set out; but in such case the ballots shall contain the purpose of the bonds with the word "Approved" or "Disapproved" following, as the voter may desire; and more than one election may be held under the terms of this act, and until the aggregate of the bonds voted shall reach the sum of fifty thousand dollars as herein provided. Separate questions voted on. Ballots. Successive elections.

Sec. 101. No election shall be ordered for the issuance of any bonds unless a petition requesting the same, signed by a majority of the qualified voters of said town, be presented to the mayor and commissioners thereof, setting forth the matter above required in the notice of election. Election only on petition.

Sec. 102. The said bonds shall be issued under the signature of the mayor of the said town, and attested by the town clerk and treasurer, under the official seal of said town; and the mayor shall, under the direction of the board of commissioners, dispose of said bonds at a sum not less than par value. Authentication of bonds. Sale of bonds.

Sec. 103. That for the purpose of paying the interest on said bonds as it falls due, and for providing a sinking fund for the Tax for interest and sinking fund.

redemption of said bonds when due, or for purchasing or cancelling the same before due, it shall be the duty of the board of commissioners of said town, at the time fixed for the levy of other taxes in the town, to levy and cause to be collected with the other taxes each year, so long as any of the said bonds are unpaid, a sufficient special tax upon all the subjects of taxation for ordinary municipal purposes, as herein provided, which taxes so collected shall at all times be kept separate and distinct and used only for the purpose or purposes above set out: *Provided*, that so much of the tax levied each year as may not be required to pay the interest on said bonds, and which cannot be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds; and to increase the due investment of the above-described amounts from time to time, it shall be the duty of the commissioner of the sinking fund of said town, under the regulations provided herein, to make investment of said amounts and to do and perform all such other services in connection with said bonds as said commissioners may prescribe: *Provided further*, that the board of commissioners of said town may require an official bond of the commissioner of the sinking fund, not exceeding ten thousand dollars, for the faithful discharge of all the duties pertaining to his position: *Provided further*, that the rate of taxation in said town (not including license and privilege taxes) shall not at any time exceed the rate of one dollar and fifty cents on every hundred dollars' valuation and a poll tax not exceeding four dollars and fifty cents, with which to pay both the ordinary expenses of said town and the special taxes provided for in the acts heretofore enacted for the issuance of bonds by the said town, and the tax for the graded school bonds provided for in this charter, and the special taxes for the bond issue provided for in the six preceding sections hereof.

Investment of surplus tax.

Proviso: bond from commissioner of sinking fund.

Proviso: limit on total tax rate.

Bonds exempt from town tax.

Sec. 104. The bonds authorized to be issued by this act and their coupons shall not be subject to taxation by said town until after they become due or tender of payment shall have been made by the town through the treasurer, and the coupons shall be received in payment of town taxes for any fiscal year in which they become due or thereafter; and if the holders of any of said bonds or coupons shall fail to present the same for payment at the time or times and place therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Record of bonds.

Sec. 105. The clerk and treasurer of said town shall keep a record in which shall be written the name of every purchaser of a bond and the number and amount thereof, and he shall keep an accurate account of the coupons and bonds which shall be paid and cancelled, so that the true state of the bonded indebtedness of the

town shall be readily seen and ascertained at any time by any tax-payer of said town.

Lithographed signatures legalized.

Sec. 106. The lithographed signature to the said coupons and to the bonds provided for in this act shall be deemed a sufficient signing thereof by the mayor and by the town clerk and treasurer.

Bonds independent of other bonds.

Sec. 107. The bonds herein provided for shall be separate from and independent of the bonds heretofore issued by said town of Lumberton, under the provisions of chapter eighty-eight of the Private Laws of one thousand eight hundred and ninety-seven; chapter two hundred and fifteen, Private Laws of one thousand eight hundred and ninety-nine; chapter eighty-three, Private Laws of one thousand nine hundred and three; and chapter three hundred and thirty-four, Private Laws of one thousand nine hundred and five, and the bonds herein provided for shall be separate from, independent of, and in addition to the bonds provided for by said acts, and also shall be separate from, independent of and in addition to the bonds for graded school purposes provided for in this charter.

POWERS OF TAXATION.

Taxing powers.

Sec. 108. That the board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies, all personal property and all other subjects of taxation now taxed or which may hereafter be taxed by the General Assembly of North Carolina for State and county purposes, and on the taxable polls within said town: *Provided, however*, that the taxes levied by it shall not exceed sixty-six and two-thirds cents on the one hundred dollars valuation of all property within said town, and two dollars on each taxable poll, to meet all the liabilities of the town in the way of indebtedness, bonded or otherwise, which now exists or which may be hereafter created; and the valuation of all property within said town, as taxed by said commissioners, shall be the same as that at which it was assessed for taxation on the first day of June in that year for State and county purposes: *Provided*, that the board of commissioners of said town may at a regular meeting, after ten days' notice to any person liable to taxation in said town, raise the valuation of such property in said town as it shall deem unreasonably low, and it may also, in order to discover and have properly listed all solvent credits, stocks, bonds, etc., subject to taxation in said town, summon any person whom it may have reason to believe is the owner of any property of such nature which is unlisted, or which being listed is not properly valued, to appear before the said board of commissioners at a regular meeting and to answer under oath such questions as may tend to discover the existence of property of the character above named. And in the event any

Proviso: limit on tax rate.

Valuation of property.

Proviso: powers of commissioners over tax lists.

person so summoned shall fail or refuse to appear and answer such questions as are proper under the provisions of this section, the said board of commissioners may proceed to investigate the matter by other evidence, and may summon and examine any witnesses necessary for a joint decision of the question at issue, and may require by proper order the production of any books, records, papers or evidence of the existence of such property that it may deem proper or necessary, and if a majority of said board of commissioners shall decide that any person is the owner of any property of the character above set out that is not listed or not properly valued, it shall order the same to be entered on the tax list or the value increased by the town clerk and treasurer, and the said property so listed shall be subject to the payment of all taxes levied by the said town, and collected as other taxes therein.

When taxes due.

Sec. 109. That all taxes levied by the commissioners of said town, except license or privilege taxes, shall be due and payable on the first day of October of each year to the constable or tax collector of said town, and after that time may be collected by him by distraining any personal property of the tax-payer to be found within said town.

Advertisement for tax listing.

Sec. 110. That on the first Monday in July of each and every year, the town clerk and treasurer of said town shall, by advertisement at the court-house door and four other public places in said town, notify all persons within said town liable to taxation to come forward and make returns of their tax lists to him within thirty days from the publication of said notice. All persons owning property in said town and liable to taxation shall make returns of all their taxable property to said clerk under oath, and he is hereby authorized and empowered to administer to such tax-payer an oath that he will well and truly return all property owned by him within said town and liable to taxation under the provisions of this charter; said list so returned shall state the age of the tax-payer and all property, real and personal, liable to taxation owned by him, with an accurate description of all real property owned by him on June the first of that year, when he was required by law to return the same to the list taker of Lumberton Township, to be assessed for taxation for State and county purposes.

Returns under oath.

What list to contain.

Property owners to make returns.

Sec. 111. That all persons owning any property within said town liable for taxation for town purposes shall return the same to the town clerk, as provided in section thirty-two of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons *non compos mentis* shall be returned as herein provided by their guardian or guardians, if they shall have any such.

Property held by fiduciaries.

Sec. 112. That all property liable to taxation for town purposes in said town and held by executors, administrators or trustees

shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall first be distrained or attached by the constable or tax collector of said town for the satisfaction of the taxes due on all property so returned by them; and the constable or tax collector of said town is hereby authorized, at any time after the taxes may be due the town on said property as aforesaid, to distrain any personal property of such guardians, executors, administrators or trustees to be found in said town.

Clerk and treasurer to make out tax lists.

Sec. 113. That the town clerk and treasurer shall make out a full and complete list of all taxable property in said town so returned to him, and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make returns to the clerk as herein provided for, for thirty days after the first Monday in July in each year, the town clerk shall make return of the taxable property of such person or persons, and his age, if he is liable to poll tax, and such person or persons so failing to make returns of their property and poll shall be liable to double taxation on their property and poll, to be collected as other property and poll taxes. The town clerk of the said town shall complete the tax list and place it or a certified copy thereof in the hands of the constable or tax collector of said town on the third Monday in August in each year. Such tax list or certified copy thereof, certified by the town clerk, when placed in the hands of the constable or tax collector of said town, shall have the force and effect of an execution.

Double tax for failure to list.

List given to tax collector.

List to have force of execution.

When lien for taxes to attach.

Sec. 114. That the lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August in each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable to taxation of tax-payers within the town shall be liable to be seized and sold, after ten days' notice at the court-house and four other public places in said town, in satisfaction of taxes by the town constable or tax collector, after said taxes shall have become due and payable.

Sale of personal property for tax.

SALE OF PROPERTY FOR TAXES.

Collection by distress.

Sec. 115. That whenever the taxes due said town shall be due and unpaid, the constable or tax collector of said town shall immediately proceed to collect them as follows: First, if the party charged or his agent have personal property in said town equal in value to the taxes charged against him, the constable or tax collector shall seize and sell the same under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the constable or

Of personal property.

On real estate.

Levy on real estate.

tax collector of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the constable or tax collector returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy; third, the constable or tax collector shall notify the delinquent of such levy and of the day and place of sale by service of a notice, stating these particulars, on him personally if he be a resident of said town. If the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed post-paid to such delinquent. If the residence of the delinquent cannot with reasonable diligence be ascertained, the constable or tax collector shall post a notice substantially as above described at the court-house door and four other public places in said town at least thirty days before the sale of the land, and this last mentioned notice shall be posted as in all cases of sale of land for taxes in said town; fourth, the sale shall be made at the court-house in said town, and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town and his address be known to the constable or tax collector, he shall mail to him within one month after the sale notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid and of the amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.

Notice to delinquent.

Sale.

Method of sale.

Sec. 116. That the whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of taxes, with all the expenses, for the smallest part of the land. At all such sales the mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.

Time for redemption.

Sec. 117. That the delinquent may retain possession of the property for twelve months after sale, and within that time redeem it by paying the purchaser the amount paid by him and twenty-five per centum in addition thereto. At the time of said payment to the purchaser, he shall give to the delinquent a receipt therefor. If he shall refuse or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer, and he shall give a receipt therefor, and such payment shall be equivalent to payment to the purchaser; after such payment to the purchaser or town clerk, all rights under the purchase shall cease.

Sec. 118. That at the time of such purchase of real estate for taxes, the town constable or tax collector, on receipt of the amount bid for such real estate, shall give the purchaser a receipt stating the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due. Receipt given purchaser.

Sec. 119. That if the delinquent, his agent or attorney shall fail to redeem, as provided in section one hundred and twenty hereof, for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section one hundred and twenty-one hereof, and the town constable or tax collector of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns for the lands for which said purchaser agreed to pay the amount called for in the receipt, and for said service the constable or tax collector shall be allowed one dollar, to be paid by the purchaser. The deed from the constable to the purchaser shall be registered in the register's office of Robeson County within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the said purchaser bid, which the delinquent, his agent or attorney had at the time of sale for taxes. Deeds for property not redeemed. Registration of deeds.

Sec. 120. That all real estate bid in by the mayor of said town for the use of the town at sales made by the constable or tax collector for taxes may be redeemed as hereinbefore provided by the payment on the part of the delinquent, his agent or attorney of the amount bid and twenty-five per centum additional to the town clerk and treasurer within twelve months from date of such sale. Redemption of property bought in by town.

LICENSE TAX.

Sec. 121. That the commissioners of said town shall have the power to annually levy and cause to be collected for the necessary expenses of the said town such privilege taxes as shall seem to them fair and equitable on the professions, callings, trades, occupations and all other business carried on in said town, that is to say, on every lawyer, merchant, physician, dentist, druggist, artisan, mechanic, daguerrean artist or other picture; on all officers or agents of incorporated companies; on all clerks or employees of other persons or corporations; on every drummer, editor, printer, butler, tinner, carpenter, shoemaker, wheelwright, carriage, buggy or wagon maker, jeweler, confection grocer, harness-maker, saddler, blacksmith; on every billiard or bagatelle table, public or private bowling, nine or ten pin alley; on all lectures for reward; on all riding or pleasure vehicles; on all gold, silver or metal watches; on all pianos; on all pistols; on every livery, feed or sale stable; on every person hiring any number of License taxes. Subjects of license tax.

horses; on every cotton gin; on every turpentine or other distillery; on every boarding house, hotel, restaurant or eating saloon; on all drays, carts, wagons, carriages, buggies, bicycles; on all horses, cattle, sheep, hogs, goats or dogs owned or kept in said town or allowed to run at large therein; on every stallion, jack, bull or boar kept or exhibited in said town; on all itinerant trades and peddlers; on all banks, railroads, telephone and telegraph companies; on all saw and planing mills, brick, lath or shingle mills; on all sash, door and blind, furniture or cotton factories, and on all incorporated companies of whatever nature or kind; on all and every person or persons, company or companies who may exhibit, sing, play, act or perform on anything for which they charge or receive any gratuity, fee or pay or reward whatever within the limits of said town, and on every opera house or public hall to which an admission fee may be charged, and the commissioners of said town shall prescribe when the license tax herein provided shall be due and payable.

SALE OF LIQUOR PROHIBITED.

Prohibition.

Sec. 122. That it shall be unlawful for any person or company to manufacture any spirituous or malt liquors or to sell or in any manner, directly or indirectly, to receive any compensation for any spirituous or malt liquors, wines or cider or any other intoxicating liquors within the corporate limits of said town of Lumberton, or within five miles of the corporate limits thereof; and any person violating the provisions of this section shall be guilty of a misdemeanor, and shall be punished upon conviction thereof by a fine not exceeding one hundred dollars or by imprisonment not exceeding twelve months, or both.

PRIOR ACTS OF ASSEMBLY REPEALED.

Conflicting acts repealed.

Sec. 123. That any and all acts of assembly heretofore enacted, relating particularly to the town of Lumberton, and all private acts of assembly heretofore enacted, under whatsoever title or character, affecting said town of Lumberton which are inconsistent or in conflict with the provisions of this act be and the same are hereby repealed: *Provided*, that no offense committed and no penalties, fines or ordinances repealed by this act and before the time such repeal shall take effect, shall be affected by this repeal, except that when any punishment, penalty or fine shall have been mitigated by the provisions of this act, such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided further*, that no action or prosecution pending at the time of the repeal for any offense committed, or for any penalty, fine or forfeiture incurred under any

Proviso: effect of repeal.

Proviso: pending actions not affected.

act or ordinance hereby repealed shall be affected by such repeal: *Provided further*, that no law heretofore repealed shall be revived by the repeal of any act repealing such law. Proviso: repealed acts not revived.

Sec. 124. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 344.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF CONCORD, IN THE COUNTY OF CABARRUS AND THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the territory bounded by and included within the following lines shall be the external boundaries and constitute the corporate limits of the city of Concord, to-wit: Beginning at a post in the old corporate limit line on the west side of South Union Street, and runs with the old line north forty-eight east, one thousand and thirty feet, to a post; thence north nineteen and three-fourths west, three thousand nine hundred and ninety feet, to a post on the north edge of the Mount Pleasant road; thence north thirty-one and three-fourths west, two thousand two hundred and eighty-six feet, to a post on the north edge of East Depot Street; thence north forty-six west, three thousand eight hundred and seventy-seven feet, to a stake on the south edge of East St. Charles Street; thence north sixty-nine and one-half west, two thousand three hundred and seventy-one feet, to a post in the old corporate limit line and east edge of North Church Street; thence with east edge of said street north forty-two and one-half west, three hundred and twenty-nine feet, to a post opposite the center line of Cemetery Alley; thence south fifty-eight and one-half west, two thousand five hundred and thirty-six feet, to a post in the mining land; thence south sixteen and one-half east, one hundred and ninety-six feet, to a post; thence a line in the center of Jones Street south seventy-four west, one thousand and seventy feet, to a stake in the center of the main line of the Southern Railway Company where the Montgomery Branch runs under it; thence south fifty-five and one-fourth west, eight hundred and twelve feet, to a post on the east side of the Stricker Branch and the north edge of the old Beatty's Ford Road; thence south fourteen and one-half east, one thousand three hundred and eighty-four feet (passing just west of the east pier of the bridge over the branch), to a post in the old corporate Corporate limits.

line; thence with the old line as follows: 1. South forty-eight west, nine hundred and seventy-six feet, to a post, the old corner; 2. South forty-two east, eleven thousand eight hundred and fourteen feet, to a post, the old corner; 3. North forty-eight east, four thousand one hundred and fifty-four feet, to the beginning. The inhabitants residing within the above corporate limits shall be and remain a body politic and corporate under the name and style of the City of Concord, as may be requisite and necessary for the proper government and needs of the city; hold, invest, improve, use, govern, control and protect, and, under the hand of the mayor attested by the clerk to the board of aldermen hereafter mentioned, with the corporate seal thereto affixed by him, may sell or dispose of the same, and have all the powers, rights and privileges necessary, belonging or usually pertaining to municipal corporations. The said city shall have the right by a vote of the board of aldermen to receive by purchase, devise or otherwise any lands or other rights to lands outside of the said corporate limits of the city of Concord for the purpose of locating a cemetery or park or parks, or for other necessary uses to said city as the board of aldermen may direct. And the said city may dispose of any real estate it may hold as above mentioned by a vote of the board of aldermen directing the same to be sold, and title thereto shall be made as above directed.

Corporate name.

Corporate powers.

Cemetery and parks.

Disposal of property.

Wards.

Ward number one.

Ward number two.

Sec. 2. That the territory comprised within said limits shall be composed of four wards or voting precincts. Ward Number One shall be embraced within the following lines: Beginning at the point of intersection of Depot and Union Streets, then with West Depot Street, crossing the county bridge over the railroad to the corporate limits; then north forty-two degrees west with said limits to the new Beatty's Ford Road; thence with said new road to where it intersects with Union Street, near the residence of J. M. Odell; then with Union Street to the beginning. Ward Number Two shall be embraced within the following lines: Beginning at the intersection of Union and Depot Streets, and runs with East Depot Street north forty-eight east to the corporate limits, a post set on the north edge of East Depot Street; thence north forty-six west, three thousand eight hundred and seventy-seven feet, to a stake on the south edge of East St. Charles Street; thence north sixty-nine and one-half west, two thousand three hundred and seventy-one feet, to a post in the old corporate limit line and east edge of North Church Street; thence with the east edge of said street, north forty-two and one-half west, three hundred and twenty-nine feet, to a post opposite center line of Cemetery Alley; thence south fifty-eight and one-half west, two thousand five hundred and thirty-six feet, to a post in the mining lands; thence south sixteen and one-half east, one hundred and ninety-six feet, to a post; thence a line in the center

of Jones Street south seventy-four west, one thousand and seventy feet, to a stake in the center of the main line of the Southern Railway Company where the Montgomery Branch runs under it; thence south fifty-five and one-fourth west, eight hundred and twelve feet, to a post on the east side of the Stricker Branch and the north edge of the old Beatty's Ford Road; thence with the Stricker Branch and corporate limits of said city to the new Beatty's Ford Road; thence with the new Beatty's Ford Road to its intersection at the J. M. Odell residence; thence with Union Street south forty-two east to the beginning point at the intersection of Depot and Union Streets. Ward Number Three shall be embraced within the following lines: Beginning at the commencing point of Wards Number One and Two at the intersection of Union and Depot Streets, and runs south forty-two east, five thousand nine hundred and seven feet, with South Union Street to the point where the line of the corporate limits crosses said street; thence north forty-eight east to a stake on said corporate limits; thence north nineteen and three-fourths west, three thousand nine hundred and ninety feet, to a post on the north edge of the Mount Pleasant Road; thence north thirty-one and three-fourths west, two thousand two hundred and eighty-six feet, to a post on the north edge of East Depot Street; thence with East Depot Street to the beginning. Ward Number Four shall be embraced within the following lines: Beginning at the intersection of Union and Depot Streets, corner of Wards Number One, Two and Three, and runs with West Depot Street south forty-eight west to the corporate limits; thence south forty-two degrees east with said corporate limits, five thousand nine hundred and seven feet, to a stake or post marking the corporate limits of said city; thence north forty-eight east with the corporate limits of said city to South Union Street and corner of Ward Number Three; thence north forty-two west with South Union Street, five thousand nine hundred and seven feet, to the beginning. And the present board of aldermen shall provide a polling place, box and registration books for each of said wards; and all persons entitled to vote at any municipal election of said city, special or otherwise, shall vote in the ward of which they are residents under the provisions hereinafter made.

Ward number three.

Ward number four.

Polling places, boxes and registration books.

Residents to vote in wards.

Sec. 3. That on Tuesday after the first Monday in May, one thousand nine hundred and seven, and on the same Tuesday biennially thereafter there shall be elected at large of and by the qualified voters of said city a mayor and two members of the board of aldermen, and in each of said wards there shall be elected separately of and by the qualified voters therein one alderman for each ward; and the aldermen so elected shall constitute the board of aldermen of said city, and all of said officers so elected shall hold office for two years, or until their successors are duly

Time of elections.

Mayor and aldermen at large. Aldermen of wards.

Term of office.

Proviso: qualifications of voters.

elected and qualified: *Provided*, that no person shall have the right to vote at any election held in said city unless he shall have been a *bona fide* resident of the ward in which he proposes to register and vote, according to the requirements and provisions of the general election law of the State of North Carolina.

Law governing elections.

Sec. 4. That the biennial elections herein provided for officers of said city, and any other election herein authorized for said city purposes, shall be called, held, conducted and concluded under the direction of the mayor and board of aldermen by officers designated and appointed by them for that purpose, in manner and form in every respect and detail as near as may be and under the same provisions of law and practice as near as may be as elections for county officers are held and conducted, like county officials under the general law relating to such elections in North Carolina in force at the time of such city election, including all the penalties prescribed for the violation of such law: *Provided*, that when any certain duties are prescribed under the general election law to be done and performed by State or county officials unknown to municipal corporations, which are likewise required to be done and performed in such city election, then and in that case such duties shall be done and performed by the city officer or officers whose office and duties bear the greatest analogy to those of the officer named in the general election law for whom such duty is prescribed—as chief of police to sheriff, city clerk to Clerk of the Superior Court, etc.

Proviso: duties of city officers.

Board of aldermen to convene.

Sec. 5. That the board of aldermen so elected shall convene within four days next following its election, for the transaction of business, and among other things it shall fix and determine the salary of all officers or employees of the city of Concord, except those herein specified, and at the regular meeting of the board in the month of June following it shall elect the following officers, none of whom shall be of its number; a sanitary inspector and civil engineer, a clerk, treasurer, city attorney and tax collector, and such other officers as it may deem necessary for the proper government of the city, and at the same time it shall elect one member of the board of light and water commissioners as the term of office as commissioner shall expire under the act creating the said board of light and water commissioners, and such commissioners so elected shall hold office for two years from the date of their election and until their successors are appointed and qualified, and the said commissioners so elected shall comply in every respect and discharge every duty as is required of them by the act creating the said Board of Light and Water Commissioners of the City of Concord. All of said officers so elected shall hold their offices for a term of two years and during the official term of the board of aldermen, unless removed as by this chapter provided, or until their successors shall be duly elected and quali-

Salaries of officers.

Election of city officers.

Light and water commissioners.

Terms of office.

fied; and the salary of such officers or employees, after being fixed by the board of aldermen, shall not be increased during the term of office. All other officers or employees of the city of Concord, whether elected by the people or by the board of aldermen, shall receive flat salaries, except the tax collector, as in this chapter specified or fixed by the board of aldermen, and no officer or employee shall receive any fee or commission in addition to his salary, except the fees for policemen as hereinafter specified. All fees collected or received by the police justice, chief of police or policemen, except as hereinafter mentioned, and all fees or commissions collected or received by any officer or employee of the city of Concord, by reason of his office or employment of the city, shall be paid into the city treasury and the treasurer's receipts taken therefor each month by the officer or employee collecting or receiving the same; and they shall make a detailed report of the same, to which shall be attached the treasurer's receipts, each month to the finance committee of the city, which shall cause the same to be reported to the board of aldermen of said city. And the said board of aldermen shall at its regular meeting in the month of October following elect a chief of police and four members of the police force. And at the regular meeting of the board of aldermen in June, one thousand nine hundred and seven, and biennially thereafter, the mayor of said city shall appoint the following standing committees, composed of three members each: committee on finance, committee on streets and public grounds, committee on public health, committee on light and water improvements and public property.

Salaries.

Flat salaries to be paid.

Fees to use of city.

Detailed reports.

Election of chief of police and policemen.

Standing committees.

Sec. 6. That the mayor and every other officer of said city, before entering upon the duties of his office, shall take, subscribe and file with the city clerk the following oath of office: "I, ..., ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability. So help me, God."

Officers to be sworn.

Form of oath.

.....

Subscribed to and sworn to before me, this ....., day of ....."

Sec. 7. That the mayor shall hold his office for two years, and have and keep his office in the City Hall, or in some other convenient building provided by the board of aldermen. He shall have the custody of the corporate seal; preside when present over all meetings of the board of aldermen; have a casting vote in all cases of equal division therein; a general custody, direction, supervision of all the public employees, work and works, improvements, grounds, buildings and property of the city; he shall have full

Term of mayor and location of office.

Duties and powers of mayor.

Power of mayor to remove officers.

power and authority to summarily remove from office any officer or employee of the city of Concord, except aldermen, when any such officer or employee shall be guilty of any malfeasance, misfeasance or nonfeasance, or whenever such officer or employee shall be guilty of any act or neglect which shall render him disqualified and unfit in the opinion of the mayor for rendering proper service to the city of Concord, or to be an officer or employee thereof: *Provided, however*, that any officer or employee suspended by the mayor as aforesaid shall have the right to appeal to the board of aldermen, and he may be reinstated or restored to office or employment after a full and fair trial, a majority or four members of the board of aldermen voting to restore him to office.

Proviso: right of appeal.

Mayor to administer oaths.

Sec. 9. That the mayor of said city shall have full power and authority to administer oaths or affirmations, and all oaths or affirmations required to be taken by aldermen, police justice, chief of police and members of the police force and members of the board of light and water commission and members of the board of school commissioners or other officers of the city may be administered by the mayor.

Vacancies in office of mayor.

Sec. 10. That if any person who has been elected mayor shall fail, neglect or refuse to qualify; or if a vacancy shall occur in the office after election and qualification other than by expiration of term; or if the mayor be absent from the city or unable to attend to or discharge the duties of his office from any other cause, then and in such case the board of aldermen shall choose some qualified person to perform the duties of the absent mayor during the period of his absence or disability, or to the end of the term, as the case may be, and the mayor so chosen shall have all the power and authority which is vested in the regularly elected mayor under this act; and the board of aldermen shall in like manner fill all vacancies for the unexpired term which may occur in the city government, choosing only such persons as are eligible to original election under the provisions of this act: *Provided*, that in case a vacancy occur in the office of mayor of the city during the first year of the term of such mayor, then the board of aldermen shall call and hold an election, and the vacancy shall be filled by the vote of the people qualified to vote thereon in the city within forty days of the date on which such vacancy occurred or was first known.

Vacancies in other offices.

Proviso: vacancy during first year of mayoralty.

Mayor to present reports annually.

Sec. 11. It shall be the duty of the mayor, as soon after the close of each fiscal year (including the last month thereof) as is practicable, to present to the board of aldermen a report of the several departments of the city government for the previous year, reviewing the same, with such recommendations in relation thereto as may seem to him advantageous to the public service.

Reports to be printed and bound.

It shall be the duty of the clerk of the city to cause the same to

be printed and bound in the usual form with other proper reports of the city officers.

City clerk and treasurer. Duties of city clerk.

Sec. 12. That the office of city clerk and treasurer shall be held by one and the same person, and it shall be the duty of the city clerk to be present at all meetings of the board of aldermen; to keep and record in a book to be provided therefor regular and fair minutes of the proceedings of the board, and when thereto required of the proceedings of the committees heretofore appointed; to preserve all the books, records, documents, papers and other articles committed to his use, care or custody during his term of office and deliver them in good order and condition to his successor, and generally to perform such other duties as may be prescribed by this charter or by the board of aldermen.

Duties of clerk as treasurer.

Sec. 13. That it shall be the duty of the said clerk as treasurer to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, to receive and to safely keep the same for use of the city, and to disburse the funds upon the appropriation of the board of aldermen according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, together with the sources from whence they came and the purposes for which they were appropriated, except the proceeds of fines, penalties and forfeitures and costs imposed by the police justice and collected and paid over to him by the chief of police, of which he shall keep an exact account in a separate book to be furnished by the board of aldermen, showing the name and the residence of the offender, the nature of the offense, the date of hearing before the police justice and the date and amount of the payment thereof by the chief of police to the treasurer, the information for which shall be filed by chief of police at the time of payment, and shall submit said accounts to the aldermen whenever required to do so. During his continuance therein, he shall faithfully perform all duties lawfully imposed upon him as city treasurer, and at the expiration of his term of office he shall deliver to his successor all the moneys, securities, books of record and other property entrusted to him for use, safe keeping, disbursement or otherwise.

Record of fines, penalties, forfeitures and costs.

Warrants on treasurer.

Sec. 14. That all warrants drawn on the treasurer shall only be issued on vouchers given therefor by the committee on finance, and be ordered paid by the board of aldermen of said city, and such vouchers shall state the purpose for which the money was appropriated and the fund out of which the same is to be appropriated.

Claims to be audited and approved.

Sec. 15. That no claim against the city of Concord shall be paid until it shall have been audited and approved by the committee

on finance and a voucher issued by it authorizing a warrant to be drawn in payment of same, and an order made therefor by the board of aldermen in session, except the vouchers drawn from the school funds of said city as hereinbefore provided.

Treasurer of school fund.
Vouchers for school funds.

Sec. 16. That the said clerk and treasurer shall be the treasurer for the school fund of said city, and he shall not pay out any money except upon a voucher duly signed by the chairman of the board of school commissioners and attested by the clerk to said board, stating the purpose, amount for which said voucher is drawn and the person to whom it is made payable. And the same shall be drawn on the funds in the hands of said treasurer, to be known as the school fund of the city of Concord.

Treasurer to give bonds.

Sec. 17. The treasurer of said city shall give good and sufficient bonds, made payable to the board of aldermen of said city, to cover all the moneys that may come into his hands as treasurer of said city, to be approved by the board of aldermen of said city. He shall keep the moneys that shall come into his hands in some bank in the city of Concord, to be designated by the board of aldermen of said city, and shall place said moneys as they come into his hands to the several funds to which they belong; that is, the general fund of the city, the interest fund of the city and the school fund of the city, and shall give three bonds, the amounts to be fixed by the board of aldermen, to cover the three several funds in his hands, and shall not pay out any money on any voucher sent to him or in any otherwise, unless the said voucher shall designate the funds on which it is drawn. The said treasurer shall every three months have the committee on finance to audit and examine his account and make report thereof to the board of aldermen of said city.

Aldermen to designate depository.
Separate funds.
Separate bonds.
Audit of accounts.

DUTIES OF THE COMMITTEE ON FINANCE.

Appointment of committee on finance.

Sec. 18. That at the regular meeting of the Board of Aldermen of the City of Concord in June, one thousand nine hundred and seven, and every two years thereafter, the mayor shall appoint a committee on finance composed of three members of the board of aldermen, and the said committee shall be known as the finance committee during the term of office of said mayor, and the tax collector elected by the board of aldermen shall be the clerk to said committee on finance, as a part of the duties of his office.

Clerk to committee.

Committee to audit claims.

Sec. 19. It shall be the duty of the committee on finance to audit and pass upon the validity of all claims and demands against the city of Concord, and no claim nor demand against said city shall be paid by the treasurer of said city or by any other person out of funds belonging to said city until the same has been duly audited by the said committee on finance, and approved by the board of aldermen. And no claim shall be ordered paid by said board of aldermen unless the same shall have been

Payment not ordered before audit.

audited and adjudged correct one week prior to the regular meeting of the board of aldermen, which claim shall be itemized and signed by the party to whom the same is due, and be signed by at least two members of the said committee on finance.

Committee to examine and report on light and water commissioners.

Sec. 20. It shall be the duty of the committee on finance to audit and examine every three months all the accounts, contracts, receipts and disbursements of the board of light and water commissioners, and make report thereof to the board of aldermen of said city, together with the number of superintendents and employees of said board and the salaries and wages of each, which report shall be spread upon the minutes of the board of aldermen and be published semi-annually at the front door of the City Hall.

Reports to be recorded and published.

Examinations of revenue.

Sec. 21. That the said committee on finance shall examine all sources of revenue of said city arising from regular, special and privilege taxes or from any other source, and report the same from time to time to the board of aldermen of said city, and shall audit and examine the treasurer's books, his receipts and disbursements had and made by him every three months, and shall have general supervision over all the finances of said city. And it shall make monthly reports, or cause the same to be made, of the collection of all taxes and other moneys due said city and to be collected by the tax collector, to the board of aldermen of said city.

Treasurer's books.

Supervision over finances.

Monthly reports.

DUTIES OF STREET COMMITTEE.

Committee on streets and public grounds.

Sec. 22. The committee on streets and public grounds shall have charge of all the streets and sidewalks, public grounds, public buildings and cemeteries of said city. And it shall be its duty to employ an overseer of work and all laborers and teams and fix the prices to be paid for each, and employ the keeper of the cemeteries, and fix the salaries, all to be approved by the board of aldermen. The said committee shall have charge of the fund set apart for street improvement and the cemetery funds, and shall make all orders thereon, which orders shall be paid by the treasurer of said city, after the same has been ordered by the committee on finance, to be afterwards approved by the board of aldermen. The said committee shall have charge of all teams, road machinery and tools belonging to said city, and shall have control and management of all street improvements of every kind, and shall make monthly reports of the progress of all work from time to time to the board of aldermen. The said committee shall see that all ordinances pertaining to the working of the streets and the orders made by the board of aldermen be carried ont, and the rnles and regulations and ordinances passed by said board of aldermen for the keeping of the cemeteries be observed. The city engineer shall be the clerk of said committee and on all work thereof as a part of his official duties, and shall make all reports

Overseers and laborers.

Keeper of cemeteries.

Street and cemetery funds.

Teams, machinery and tools.

Monthly reports.

Enforcement of ordinances.

Clerk to committee.

for the same to the said committee and the board of aldermen at its regular monthly meeting.

DUTIES OF THE COMMITTEE ON HEALTH.

Committee on health.

Nuisances.

Superintendent of health.

Sec. 23. It shall be the duty of the committee on health to see that all ordinances made and provided for the protection of the health and the cleanliness of the city are carried out. It shall be its duty to proceed against all persons who maintain any nuisance in said city, to be prosecuted according to law, and that the laws regulating and governing and protecting the citizens from infectious diseases be carried out. The superintendent of health shall be an advisory member of the committee.

DUTIES OF THE LIGHT AND WATER COMMITTEE.

Duties of committee on light and water improvements.

Sewer system.

Enforcement of ordinances.

Fire department.

Sec. 24. It shall be the duty of the committee on light and water improvements to see that the city is at all times furnished with good and wholesome water, and that the said city is furnished with good and sufficient light in all parts thereof. And the said committee shall supervise and have charge of the entire sewer system of said city, and shall cause such improvements and such extensions to be made thereon as the board of aldermen from time to time may direct, and it shall be its duty to see that all ordinances pertaining to light and water and regulating the connecting of the sewer be strictly carried out. And the said committee shall have the control and organization of the fire department, and shall recommend such ordinances and regulations that it may deem necessary to the board of aldermen for their passage.

POLICE JUSTICE.

Police justice.

Special court.

Sec. 25. That at the regular meeting of the board of aldermen of said city in January, one thousand nine hundred and eight, it shall elect a police justice for the city of Concord, and said police justice is hereby constituted a special court with the following jurisdiction:

Exclusive original jurisdiction.

(a) With exclusive original jurisdiction over all offenses arising from the violation of the provisions of this act, or of all violations of ordinances, by-laws, rules and regulations of the board of aldermen made in pursuance of this act, within the corporate limits of the city of Concord and within one mile thereof in every direction.

Further jurisdiction.

(b) With jurisdiction, power and authority for the trial and determination of all misdemeanors created by the laws of the State of North Carolina, committed within the corporate limits of the city of Concord and within one mile in every direction from the corporate limits of the city of Concord.

(c) Said police justice, in addition to the jurisdiction conferred by sections (a) and (b) of this act, shall have exclusive original jurisdiction of all criminal offenses committed within the corporate limits of said city and within one mile of said corporate limits in every direction, below the grade of a felony as now defined by law, and all such offenses committed within said city and within said territory are hereby declared to be petty misdemeanors. Further exclusive original jurisdiction. Petty misdemeanors.

(d) With jurisdiction, power and authority which is now or hereafter may be given to justices of the peace for the trial and determination of civil and criminal cases. And said police justice shall have all the jurisdiction and power in all criminal offenses occurring within the limits of the city of Concord and within the territory beyond the said city of Concord within one mile in every direction, and to that end he may issue his summons, warrant or other process, and if criminal, issue a warrant for the arrest of the defendant and have the party brought before him; hear, determine and give judgment thereon; issue execution, impose fines and imprisonment, impose penalties and forfeitures as the case may be; and direct the enforcement thereof, subject to the limitations of this act as to the amount of such penalties or punishments; with right of appeal by the defendant from the judgment or sentence of the police justice's court to the Superior Court of Cabarrus County, under the same provisions of law that govern an appeal from inferior courts or from a justice of the peace's court. That in case a defendant, a witness or other person shall be adjudged to be imprisoned by the said police justice's court, it shall be competent for the said court to sentence such person to imprisonment on the county roads of Cabarrus County, or to the common jail of Cabarrus County; and in case the defendant shall not pay a fine, penalty or cost adjudged against him in a civil action for the recovery of a fine for the violation of an ordinance of the city of Concord, the police justice's court shall have authority and power to sentence the defendant in such case to work on the streets or other public works of the city of Concord, or upon the public roads of Cabarrus County; and the defendant in such cases shall have credit upon the amount so adjudged against him at the rate of one dollar per day for every day in which he shall work upon the public streets or other works of the city. Further jurisdiction. Process and powers. Right of appeal. Convicts sentenced to road work. Fines, penalties and costs discharged by labor.

Sec. 26. The police justice's court shall have a seal with the inscription "Police Justice's Court of the City of Concord, North Carolina," which shall be used in attesting all writs, warrants, summons or other process or acts, judgments or decrees of said court in the same manner and to the same effect as the seals of other courts in the State of North Carolina. Seal of court.

To whom process directed.

Process to run.

Proviso: limit of police jurisdiction.

Sec. 27. That the police justice may issue his process to the chief of police, or to the city police, or to the sheriff, constable or other lawful officer in the county of Cabarrus, and such process, when attested by the seal of the police justice's court, shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law: *Provided*, that neither the chief of police nor the city police shall execute any process outside of the boundaries of one mile beyond the corporate limits of the city of Concord, unless the offense was committed or the action arose within the corporate limits of the city or within the boundaries of one mile beyond the corporate limits of the city of Concord, and in violation of the provisions of this act.

Costs.

Proviso: costs to use of city.

Sec. 28. That the police justice of said city shall be allowed such costs as are allowed by law in similar proceedings, except for the trial of all criminal cases arising within the corporate limits of the city of Concord and within one mile beyond the corporate limits of said city; he shall charge two dollars for the trial of each and every case and one dollar for the arrest in each and every case and such other costs as are provided by law for the justices of the peace as near as may be: *Provided, however*, that all costs recovered and collected in such police justice's court shall belong to the city of Concord, except as herein provided, and shall be turned over by the officer collecting same within ten days after said collection to the Treasurer of the City of Concord: *Provided further*, that said police court shall have the right to remit any part of said cost as it shall deem best.

Proviso: costs may be remitted.

Substitute police justice.

Sec. 29. Should the police justice be prevented from attending the Police Court of the City of Concord on account of sickness or absence from the city, then in that case the Mayor of the City of Concord shall have power and authority to appoint some discreet and qualified person to act in the place of said police justice; and upon the appointment by the mayor of such person to act in the place of said police justice, and after administering to such person so appointed the oath of office prescribed by the provisions of this act, the person so appointed shall have all the jurisdiction, power and authority herein conferred upon the duly elected Police Justice of the City of Concord; the police justice so appointed to receive the salary provided for the office while serving.

Force and validity of judgments.

Collection of fines and penalties.

Sec. 30. That the judgments rendered by the police justice under the provisions of this act shall have all the force, virtue and validity of judgments rendered by inferior courts under the laws of the State of North Carolina, and may be enforced and executed against the parties in the county of Cabarrus or elsewhere in the same manner and by the same means. All fines and penalties imposed by the police justice's court shall be collected by or paid to the chief of police, who shall pay over and

account for the same to the proper officer or officers as provided by law.

Police justice to keep records.

Sec. 31. That it shall be the duty of the police justice to keep an exact account and true record of all fines, penalties, forfeitures and punishments by him imposed under any provisions of this act, or for the violation of any ordinances, by-laws, rules or regulations of the board of aldermen made in pursuance thereof, in a separate book to be furnished by the city of Concord, showing the name, the residence of each offender; nature of the offiense; the date of hearing or trial; the punishment imposed, either the amount of fine or length of imprisonment, or the penalty or forfeiture imposed; and when and by whom the fine, penalty or forfeiture is paid to the chief of police, if known.

Costs and fees.

Sec. 32. That the police justice shall charge and collect in all criminal cases two dollars as costs therein and one dollar for the arrest of the defendant, and in all civil matters he shall charge and collect the same costs and fees as provided for inferior courts, or courts of the justice of the peace, and the chief of police and policemen shall charge and collect the same costs and fees as are provided for sheriffs and constables; that all fees, penalties or forfeitures imposed by the police court shall be collected by or paid over to the chief of police, and these, with all other costs and fees collected by the police justice's court and the chief of police and policemen, shall be accounted for and paid into the treasury of the city of Concord for the use of the city of Concord, except the fee of one dollar that shall be collected from a defendant for the arrest made in criminal cases within the territory beyond the corporate limits of the city of Concord and within one mile thereof, which fees shall be paid directly to the policeman who shall make the arrest, not to be counted as a part of his salary. But said policemen shall not be entitled to more than one dollar for making said arrests, and unless the cause of action arose in said territory beyond the corporate limits of said city.

Fees, penalties and forfeitures to use of city.

Exception.

Term of police justice.

Election of police justice.

Oath of office.

Sec. 33. That the said police justice shall hold office for the period of two years and until his successor is duly elected and qualified, and the said board of aldermen every two years thereafter at its regular meeting in the month of January shall elect a police justice for the city of Concord. The said police justice shall take and subscribe to the same oath as provided for other officers of the said city under this act.

First police justice named.

Term of office.

Sec. 34. That R. L. McConnell is hereby appointed Police Justice for the City of Concord until the January meeting of the board of aldermen of said city in the year one thousand nine hundred and eight, when said board of aldermen shall elect a police justice as hereinbefore provided, and the said R. L. McConnell shall exercise and discharge all the duties of the police justice as required by this act for the time so mentioned.

Court room.

Sittings.

Beginning of term.

Mayor to discharge duties.

Compensation.

Sec. 35. The police justice shall hold his court in the court room of the City Hall of the City of Concord, or at such other place as the board of aldermen may provide. The said court shall be open at all times, and the said police justice shall hold his sittings at nine thirty o'clock every morning during the week except Sunday, or at four o'clock in the afternoon, as he may deem best. The said police justice shall enter upon the discharge of his duties at nine o'clock A. M. on the first day of May, one thousand nine hundred and seven, and from that day shall discharge the duties of police justice for the city of Concord according to the provisions of this act, and the present Mayor of the City of Concord shall exercise the duties of police justice for said city under the provisions of this act until May the first, one thousand nine hundred and seven, but no longer. He shall receive such compensation for his services as he has heretofore received in like cases.

OF THE CHIEF OF POLICE.

Duties of chief of police.

Power to suspend policemen

Proviso: limit of suspension.

Leaves of absence.

Reports.

General powers and duties.

Nuisances.

Semi-monthly reports.

Monthly reports.

Sec. 36. That the chief of police shall be the chief executive of the police force. He shall be chargeable with and responsible for the execution of all laws and of the rules and regulations of the department. He shall assign to duty the officers and members of the police force, and shall have power to change such assignments from time to time whenever in his judgment the exigencies of the service may require such change. He shall have the power to suspend without pay, pending the trial of charges, any member of the police force: *Provided, however*, that no such suspension shall be continued for a period of more than ten days without affirmative action to that effect by the mayor. If the suspension of any member of the police force shall not be confirmed by the mayor on the charges preferred, he shall be entitled to full pay from date of suspension, notwithstanding such charges and suspensions. Said chief of police may grant leaves of absence to members of the force for periods not exceeding five days. He shall report to the police justice all changes or assignments of officers, and all leaves of absence granted. He shall have general care of the peace of the city, and see that all subordinates do their duty in preserving the same. He shall have control over the entire police force, and see to the execution of every ordinance. He shall have general supervision over the subject of nuisances and the abatement of the same, and shall exercise and discharge all such powers and functions as pertain to the office of chief of police and as the board of aldermen may from time to time prescribe. He shall make a semi-monthly report to the mayor of the condition of the department, service and conduct of the policemen; and a monthly report to the board of aldermen of the general condition of the department, together

with such other matters as pertain to his office, and perform such other duties as may be required of him by ordinance. In case of the absence or disability of the chief of police, then a member of the police force may be designated by the chief of police to serve during such absence or disability, and the member so designated shall be competent to discharge all the duties of the chief of police. Substitute chief.

Sec. 37. That said chief of police may appoint with the consent of the mayor special police whenever the exigencies of the times in his judgment demand it. He may appoint or employ with the consent of the mayor detectives and assign them to specific duties. Special police. Detectives.

Sec. 38. If any member of the police force or if any two or more householders shall report in writing under his or their signatures to the chief of police that there are good grounds (stating the same) for believing any house, room or premises within the said city to be kept or used as a gambling-house, gaming room or gaming premises for therein playing for wages or money at any game of chance, or to be kept or used for lewd and obscene purposes or amusements, or as a house of ill fame or bawdy-house, or the deposit or sale of lottery tickets or lottery policies, or any place where intoxicating liquors are kept and sold by any person, firm or corporation contrary to law, it shall be lawful for the chief of police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons found therein and seize all implements of gaming or lottery tickets or lottery policies, and convey any person so arrested before the police justice, and to bring the articles so seized to the station-house prison. It shall be the duty of the said chief of police to cause such arrested persons to be rigorously prosecuted, and such articles seized to be destroyed, as the orders, rules and regulations of the police justice may direct. Powers as to gambling and bawdy-houses and places of sale for lottery tickets and liquors. Arrest of persons and seizure of implements. Articles to be destroyed.

Sec. 39. That the chief of police shall have the authority to admit to bail any persons arrested for the violation of the city ordinances in the sum of not less than three dollars nor more than one hundred dollars for their appearance for trial before the police justice, and should any person so admitted to bail fail to appear for trial before the police justice, then such bail shall be forfeited to the city, and the chief of police shall report the money so forfeited in the same way that he does other moneys collected by him. Chief of police to admit to bail.

Sec. 40. That it shall be the duty of the chief of police and of the city police force under his immediate charge and direction to see that the laws of the city and the ordinances of the board of aldermen and the orders of the mayor and police justice are executed and enforced, and all breaches thereof reported to the General powers and duties of chief of police and policemen.

mayor and police justice; to preserve the peace and order of the city; to suppress disturbances and arrest and carry before the police justice all offenders against any laws, city, State or national, who may be found within the corporate limits or within one mile thereof; to execute all warrants or other process lawfully directed to him by the police justice or other competent authority against any person or persons charged with the commission of any crime or misdemeanor within the corporate limits of the city or within one mile thereof, and if in violation of any of the provisions of this act, they may pursue and continually follow and arrest such offenders anywhere within the county of Cabarrus; and in the performance of such duties they shall have all the power and authority of and be governed by the same provisions of the law as sheriffs and constables in their respective jurisdictions.

Further general duties of chief of police.

Sec. 41. That it shall also be the duty of the chief of police to attend upon the police court; to collect such fines, penalties and forfeitures as may be imposed by the police justice upon offenders for the violation of any of the provisions of this charter or of the ordinances, rules and regulations of the board of aldermen made in pursuance hereof, of which he shall keep an exact record in a book to be furnished by the board of aldermen, showing the name and residence of the offender, the nature of the offense, the date of the hearing thereon before the police justice, the amount of the fine, penalty or forfeiture imposed, the date of its collection and the date of payment thereof by the chief of police to the treasurer. And the signature of the treasurer on the last column and the same line of each entry shall be the only sufficient voucher of the chief of police for such payment in each case; he shall collect all license tax and rentals due the city, unless otherwise provided by the board of aldermen.

Records to be kept.

Vouchers.

DUTIES OF POLICE.

Further duties of policemen.

Sec. 42. It is hereby made the duty of the police department and force, at all times of day or night, and the members of such force are hereby thereunto empowered, to specially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots which obstruct the free passage of public streets, sidewalks, parks and places; protect the rights of persons and property; guard the public health; preserve order at elections and all public meetings and assemblages; regulate the movement of teams and vehicles in streets, bridges, squares, parks and public places, and remove all nuisances in public streets, parks and highways; arrest all street mendicants and beggars, provide proper police attendance at fires; assist, advise and protect strangers and travelers in public streets and at railway stations; carefully observe and inspect all places of public amusement, all

places of business having licenses to carry on any business, all gambling-houses, cock-pits, rat-pits and public common dance-houses, houses of ill fame or bawdy-houses, and to repress and restrain all unlawful and disorderly conduct or practices therein; enforce and prevent the violations of all laws and ordinances enforced in said city, and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses; to prevent as far as possible all injury to the city property and buildings, streets and sidewalks; to report to the chief of police any repairs needed, and to perform such other duties as may be required of them by the board of aldermen or the chief of police or the police justice. They shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the policemen are hereby directed to report the names of such persons to the police justice, who is required to proceed against them as the law directs They shall have power to enter the enclosure and house of any person without warrant when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and if necessary to summon a posse to aid them, and all persons so summoned shall have like authority of entry and arrest.

Powers to summon posse.

Entry on premises without warrant.

Sec. 43. That upon demand by a city policeman the sheriff or jailer of the county of Cabarrus is hereby required, without a *mittimus*, to receive into the jail of the county as prisoner any person taken up in the night by the police force, and to keep such person safely until the morning, when the offender shall be taken before the police justice and be lawfully dealt with, and for such service the jailer shall be entitled to such fees as in other like cases.

Jailer to receive prisoners.

Sec. 44. No person holding office under the police department shall be liable to military or jury duty, and no officer or patrolman while actually on duty shall be liable to arrest on civil process.

Exemption from military and jury duty.

Sec. 45. That the policemen now holding office in the city of Concord shall under good behavior hold and continue in office until October, 1907, when a new election shall take place by the board of aldermen of said city according to the provisions of this act. Hereafter the policemen shall hold their office for two years unless otherwise discharged according to the provisions of this act.

Present policemen continued in office.

TAX COLLECTOR.

Sec. 46. The city tax collector shall be under the control and direction of the Committee on Finance of the City of Concord, together with the board of aldermen of said city; he shall give a bond as specified in this act for the diligent and faithful collec-

City tax collector.

Bond.

tion of the taxes due to the city of Concord and for the proper accounting for and paying over to the proper officers of the city of all moneys that come into his hands, or that lawfully should come into his hands as Tax Collector of the City of Concord, and the bond specified by this charter may be increased whenever the Board of Aldermen of the City of Concord deems it advisable.

Separate bonds for interest and school funds.

He shall also give separate bonds for the collection of the interest fund and school fund of said city in amounts hereinafter to be mentioned; said bonds may be increased at any time deemed advisable by the board of aldermen of said city; he shall obey all lawful orders and directions of the finance committee and said board of aldermen, and he may be suspended from his office subject to the action of the mayor or the board of aldermen. He shall be the clerk to the committee on finance as a part of the duties of tax collector of said city.

Suspension from office.

Clerk to committee on finance.

CITY ENGINEER.

City engineer.

Duties.

Sec. 47. The city engineer shall be the clerk to the committee on streets and public grounds as a part of his duties as city engineer, and shall make all surveys and plats for street improvements, and inspect all buildings connecting with the sewer system of said city, and do such other work and inspection as the committee on streets and public grounds may require and the board of aldermen may direct.

OF THE ALDERMEN.

Quorum of aldermen.

Times of meeting.

Special meetings.

Sec. 48. That a majority of the board of aldermen shall be competent to perform all the duties herein provided for it and for the proper government of the city. They shall convene within four days next following their election for the transaction of business and fix regular stated times of meeting, not less than once a month, during their term of office. Special meetings may also be held on call of the mayor, with written notice to all of the aldermen, and on a call of the majority of the board, with written notice to the mayor and to such aldermen as shall not have joined in the call.

Aldermen to attend meetings.

Powers and authority.

Sec. 49. It shall be the duty of the aldermen to attend all meetings of the board unless unavoidably prevented from doing so, and when convened a majority of the board shall have the power to make, enact and pass such ordinances, by-laws, rules and regulations consistent with the laws of the land and necessary for the proper government of the city, with power and authority to provide for the execution of the same by imposition, as punishment for the violation thereof, of fines and imprisonment or by the imposition of penalties and forfeitures; that the fine or imprisonment prescribed for the punishment of a violation of an ordinance

Limit of punishment for violation of ordinances.

shall not exceed a fine of two hundred dollars or imprisonment on the roads not exceeding ninety days, or both, in the discretion of the police justice; that the penalty prescribed for the violation of an ordinance shall not exceed a fine or forfeiture of two hundred dollars, which last penalty shall be civil in its nature, to be recovered in a civil action before the police justice. Limit of penalties.

Sec. 50. That among the powers conferred on the board of aldermen are these: Powers of aldermen.

(a) It may pass the qualifications and rights of aldermen to be members of the board of aldermen; it may try and impeach any alderman for malfeasance, misfeasance or nonfeasance of office or for any act of neglect that would disqualify an alderman in the opinion of the board from being a member of the board of aldermen, and after trial may by a two-thirds vote declare the office of such alderman forfeited and may elect his successor; that it may prefer charges against the Mayor of the City of Concord, police justice or any other officer or employee of the city of Concord for the violation of the duties of his office, for any malfeasance or misfeasance of office or for any act or neglect on the part of any such officer or employee as will render him disqualified to act as mayor, police justice or officer or employee of the city under this act or the laws of the State of North Carolina, and upon a two-thirds vote of the board of aldermen declare his office vacant and thereupon proceed to elect his successor; it may elect a chief of police and police officers, city attorney, treasurer, sanitary inspector and engineer, neither of whom shall be of its number; it may elect such other officers or employees of the city as in its opinion are necessary for the proper government of the administration of the city affairs; it may fix the salaries of such officers not herein otherwise specified in such amounts as the board of aldermen may see just and proper. To pass upon qualifications of aldermen. To try and impeach aldermen. To prefer charges against other officers. To elect officers.

(b) Ascertain the location, increase, reduce and establish the width and grade, regulate the repairs and keep clear the streets, sidewalks and alleys of the city; extend, lay out, open, straighten, remove encroachments therefrom at the expense of the owner of same, establish the width and grade, keep clean and maintain such streets as are now laid out in the city or any others that the board may determine to lay out; establish and regulate the public grounds, establish, maintain and govern athletic parks or other places of amusement therein; to provide for the planting and protection of the shade trees of the city and to prevent any injury or defacement of the same by any person whomsoever; regulate the speed of railroad locomotives, trains, electric cars, bicycles, automobiles, motor cars, the driving or riding of horses, and speed of all other vehicles on the streets of the city; regulate the charge for the carriage of persons, baggage and freight for hire, with power to license or prevent the same. To locate, establish and regulate streets. Public grounds. Shade trees. Speed of vehicles. Regulation of charges.

Vagrancy and street begging.

(c) Prohibit vagrancy and street begging, impose punishment or penalties on such persons who habitually refuse to follow some useful trade or profession without adequate means of support, whether male or female, above the age of fourteen years.

Regulation and license of franchises and occupations.

(d) To regulate, control, tax and license all franchises, privileges, businesses, trades, professions, callings or occupations which are now or may hereafter be taxed by the laws of the State of North Carolina, by imposing a franchise, license or privilege tax upon each and every of the aforementioned subjects in such amount as the aldermen may deem proper, not to exceed one thousand dollars.

Observance of Sabbath and preservation of peace and good order.

(e) It may provide for the proper observance of the Sabbath; and for the preservation of the peace, order and tranquillity of the city, and it shall have power to regulate the time when all stores, drug stores and all other places of business in said city shall close at night and on the Sabbath day.

Board of health and its jurisdiction.

(f) It may provide a board of health with prescribed powers and duties, whose jurisdiction shall extend in the corporate limits of the city of Concord and within the boundaries one mile in every direction from the corporate limits of the city of Concord; and for ways and means for the collection of vital statistics.

Water and light supply.

(g) It may provide and furnish for the use of the city of Concord and its citizens an adequate water and electric light supply and service by adding to the present electric light and water plant and extending the same, or by contracting with any independent corporation furnishing such utilities as the board of light and water commissioners may determine to be provided by the said Board of Aldermen of the City of Concord. And should the board of aldermen determine to buy or build and construct a water and electric light plant, to be owned by the city, it shall have power and authority to issue the bonds of the city of Concord in such amount and to run for such length of time, not to exceed forty years, as the board of aldermen may determine, and negotiate and sell the same in order to raise sufficient funds for carrying into effect the provisions of this section.

Bonds for water and light plant.

Schools and educational facilities.

(h) It shall have power to promote the establishment and maintenance of public schools and educational facilities by the acquisition of land, erection of buildings thereon and the equipment thereof in the corporate limits of the city; to contribute to the support of such public hospitals, libraries, military companies and public charities as shall be deemed advisable by the board of aldermen.

Sewerage.

(i) It may also construct or contract for a system of sewerage for the city and protect and regulate the same by adequate ordinances, and if it shall be necessary in obtaining proper outlet for said system to extend the same beyond the corporate limits of the city, then in such case the board of aldermen shall have power

to so extend it, and both within and without the corporate limits to condemn land for the purposes of right-of-way or other requirements of the system.

(j) It may provide for the establishment, organization and equipment of fire companies and shall provide rules and regulations for the government of the same; it shall have power and authority to disband any company whenever it shall be deemed necessary to do so for the best interests of the department. That in case of a fire the mayor or chief of the fire department and any two aldermen of the city of Concord may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, or may cause the removal of any other property, for which neither they nor the city of Concord shall be responsible to anyone for damages.

Fire companies.

Powers in arresting fire.

Sec. 51. Each alderman must be a resident of the election ward from which he is elected, except the two aldermen elected at large, who may be selected from any ward within the city of Concord, and any alderman moving out of his election district after his election shall forfeit his office and the board of aldermen shall at once fill the vacancy.

Aldermen resident of wards.

Removal to create vacancy.

Sec. 52. All ordinances and resolutions when introduced before the board of aldermen shall be referred to the proper committee, and shall not be acted upon until the next succeeding monthly meeting of the board of aldermen: *Provided* that the board of aldermen by a unanimous vote may suspend the operation of this section and take action upon any ordinance or resolution at the time the same is introduced.

Ordinances to be referred.

Proviso: suspension of rule.

Sec. 53. That it may from time to time, for the purpose of paving or otherwise improving the sidewalks of the city of Concord, require every owner of real estate abutting the streets in the said city to pay for one-half of the costs of grading and paving said sidewalks with brick or stone or other material that may be decided on by the said board of aldermen. And the said city shall pay the other half of the costs for paving and laying said sidewalks. And the said board of aldermen shall have the right to enforce such requirement by proper fines and penalties, and upon the failure of such owners to do such paving and grading after twenty days' notice given by the chief of police to the said owner, or if he be a non-resident of the county of Cabarrus, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the agent, then after publication of the notice by the chief of police for ten days in some newspaper published in said city, notifying said owner to do such grading and paving, the city of Concord may have the same done and the cost thereof may be assessed upon said property and entered upon the tax list of said city against the property for the current year, and the assessment so entered on said tax list shall

Improvement of sidewalks.

Work done by city on failure of lot owners.

Cost of work entered on tax list.

Lien on property.

Process for collection.

constitute a lien on said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the City of Concord against said owner in the Superior Court of Cabarrus County in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said city from the owner thereof as aforesaid.

Surface privies.

Sec. 54. That it may levy a license tax not exceeding one dollar a year upon each and every surface privy within the corporate limits of said city and enforce the payment thereof by the occupant of the lot or premises upon which a surface privy is maintained and used by proper fines and penalties: *Provided*, that such occupant shall be thereby relieved from any and all liability as to the cleaning and condition of such surface privy, and the same shall be cleaned in a regular, systematic and sanitary manner by the city of Concord, under such laws, ordinances, rules and regulations as may be prescribed by the board of aldermen.

Proviso: release of occupant.

Sanitary districts.

Sec. 55. That it may from time to time, whenever the health of the city may demand the same, establish and create anywhere in said city such sanitary district or districts as it may deem expedient, and the provisions of the foregoing section, as well as all sanitary laws, ordinances, rules and regulations as may now or hereafter exist under the provisions of this charter, shall apply to the householders or occupants of the lots within said sanitary districts established as aforesaid as if the same were within the corporate limits and said occupants or householders residents of said city.

Abatement of nuisances.

Sec. 56. That it may require and compel the abatement of all nuisances within the city or within one mile of the city limits at the expense of the person causing the same or the owner or tenant of the ground whereon the same shall be; it may also prevent the establishment within the city or within one-half mile of the city limits, and may regulate if allowed to be established any slaughter-house or place, or the exercise within the city or within one-half mile of the city limits of any dangerous, offensive or unhealthy trade, business or employment.

Prevention of nuisances.

Animals running at large.

Sec. 57. That it may prohibit and prevent by penalties the running at large of dogs, hogs, cattle and other brutes, and also the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the city.

Public buildings and fire districts.

Sec. 58. That it may establish all public buildings necessary and proper for the city and prevent the erection and establishment of wooden buildings in any part of the city where they may increase the danger by fire.

Building permits.

Sec. 59. That it may require the owner or lessee of any lot or premises within the city who shall desire to erect a building thereon or add to, remodel or alter any building or buildings

already built thereon, or make other improvements on the same, if said buildings, additions, alterations or other improvements shall cost the estimated sum of one hundred and fifty dollars, to take out a building permit before the clerk of said city, for which a fee not exceeding twenty-five cents may be charged under such rules and regulations as may be prescribed by ordinance, and to enforce the same by proper fines and penalties against said owner or lessee.

Building inspectors.

Sec. 60. It may appoint a board of building inspectors, to consist of not less than two freeholders of the said city, to which the chief of the fire department shall be added as chairman *ex officio*, and describe the duties of said board of building inspectors, and provide by ordinances such rules and regulations concerning the construction of buildings within the corporate limits of the city, electric light wiring and apparatus and plumbing, and draining of same, with a view of protecting life and health in case of fire or accident or other causes, as it may deem necessary, and enforce the same by proper fines and penalties; and this section of the charter shall apply to buildings already constructed.

Regulation of buildings.

Graveyards.

Sec. 61. That it may provide graveyards in or near the city and regulate the same; may appoint and pay a keeper and compel the keeping and return of bills of mortality; and it may prohibit interments in the city cemetery.

Bills of mortality.

Quarantine.

Sec. 62. That it may take such measures as it may deem effectual to prevent the entrance into the city or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the city, or within three miles thereof; may cause any person in the city to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease, and in case any person shall be removed to the hospital the corporation may recover of such person before the police justice the expense of his removal, support, nursing and medical attendance and burial expenses in case of death.

Hospitals.

Tax for interest on bonds and sinking fund.

Sec. 63. That the said board of aldermen shall annually levy and collect sufficient tax to pay the interest on any bonds that may be issued by the said city according to an act passed by the General Assembly of one thousand nine hundred and seven, and shall also make a sufficient levy to provide for a sinking fund as provided in said act, and shall also levy annually and collect a sufficient tax to pay the interest and provide for sinking fund

for any bonds that have been heretofore issued by the said city of Concord; and shall also levy and collect the tax on all taxable polls and property as has heretofore been required to be levied for the graded schools of said city, and nothing in this act shall be construed as being inconsistent with the acts providing for bond issues heretofore made and for running the graded schools of said city.

Tax for graded schools.

Office for light and water commissioners.

Sec. 64. The board of aldermen, as soon as it can conveniently do so, shall provide in the City Hall an office and other necessary room for the board of light and water commissioners, and shall require the board of light and water commissioners to move its offices and other appliances therein.

Apportionment of funds.

Sec. 65. It shall be the duty of the board of aldermen at its regular meeting in June in each and every year to set apart to the different committees heretofore appointed so much of the general funds of the city as may be necessary during the year to carry on the work of the several departments, and the said committees shall have charge of expending the several funds so set apart upon approval of the committee on finance and the board of aldermen of said city, as heretofore set out.

Debt-creating powers.

Sec. 66. The said board of aldermen shall not have authority and are not hereby empowered to contract any debt after the ratification of this act otherwise than the revenues for the city will pay for the year when the contract was so made, or for the term of the board of aldermen so elected, except contracts made for the extension of the sewer system of said city, or for repairing and extending the water system and the electric light system of said city, brought about by necessary extension of the water-works or by unavoidable accidents to the said water-works and electric light system. If the said board of aldermen shall make a contract otherwise than above mentioned, it shall become personally liable for the payment of the same.

Aldermen personally liable.

REVENUE.

Revenues to be paid into city treasury.

Sec. 67. That all moneys arising from taxes, penalties, forfeitures or any other sources whatsoever shall be the property of the city and be paid into the city treasury, where they shall remain until lawfully appropriated by a majority of the board of aldermen in specific items for the exclusive use and benefit of the city and the people resident therein, unless otherwise expressly provided in this act.

Taxing power.

Sec. 68. That in order to raise a fund for the expenses incident to the proper government of the city the aldermen may annually levy and collect the following taxes, namely:

Property tax.

(1) On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the General As-

sembly *ad valorem*, except incomes, a tax not exceeding sixty-six and two-thirds cents on every hundred dollars' value.

(2) On all taxable polls resident in the city on the first day of June of each year, or so resident within sixty days next preceding that day, a tax not exceeding two dollars on the poll. Poll tax.

(3) That in the collection of all city taxes upon property or poll the general law of the State regulating attachment and garnishment shall be applicable, and the police justice, chief of police and members of the police force shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such case. Collection of taxes.

(4) Upon every omnibus used for the carriage of persons for hire, a license tax not exceeding ten dollars a year; and upon every hack, carriage or other vehicle, including express wagons used for the carriage of persons or baggage for hire, and upon every dray used for the transportation of freight or other articles for hire, a license tax not exceeding ten dollars a year, and a discrimination shall be made between one and two-horse vehicles. Tax on vehicles.

(5) Upon all male dogs kept in the city which may be so kept on the first day of June, a tax not exceeding one dollar, and upon every bitch not exceeding three dollars. Dog tax.

(6) Upon all encroachments on the streets or sidewalks by porches, piazzas, stairways, passages or other projections or excavations suffered or allowed by the aldermen, a tax not exceeding one dollar nor less than twenty-five cents per square foot. Encroachments on streets and sidewalks.

(7) Upon every express company and upon every telegraph or telephone company doing business in the city, a tax not exceeding one per centum of its gross receipts in the city, to be given in upon oath by the managing agent of such company annually at the time when other taxes are listed, and under the same penalty as that prescribed in the laws of the State for the failure to give in. Express, telegraph and telephone companies.

(8) Upon all shares and certificates of stock issued by every bank, banking association or other incorporated institution located within the corporate limits, whether such institution or banking association has been organized under the laws of this State or of the United States, *ad valorem*, a tax not exceeding sixty-six and two-thirds (66⅔) cents on every hundred dollars' value: *Provided*, that the owners of such shares or certificates of stocks are residents of the city, and that the assessment shall be with regard to the value of the stock on the first day of June annually: and, *Provided further*, that the value of the property of such bank or association otherwise taxed, the said city and its property exempt from taxation, be deducted from the aggregate amount of such bank or association's capital stock. Shares and certificates of stock. Proviso: owners to be resident. Proviso: deductions.

(9) Upon every stud-horse, jackass or bull used for the purpose of breeding within the corporate limits of said city, a license tax not exceeding twenty-five dollars per year. Breeding animals.

Taxes to be listed.

Sec. 69. That the citizens of Concord and others liable to be taxed under this charter shall, on a day prescribed for listing State and county taxes, render on oath to the clerk of this city, who is hereby constituted a commissioner of affidavits for that purpose, on a blank to be prepared and furnished by the board of aldermen, a list of their property and subjects for which they may be liable to be taxed under all the rules and penalties pre-

List to contain.

scribed in this charter. The list shall state the age of the party with reference to his liability to a poll tax, and shall also contain a verified statement of all the real and personal property of every kind and such interest and estates therein as are taxable, moneys, credits, investments in bonds, stocks, joint companies, annuities or otherwise not herein excepted, and all other subjects taxed by this charter and by the General Assembly, in possession or under control or in charge of the person required to render said list, either as owner or holder thereof, or as parent, husband, guardian, trustee, executor, administrator, receiver, accounting

List to be sworn to.

officer, partner, agent, factor or otherwise. The party listed shall also swear to the true value of all property, choses in action and other subjects listed, except land, which oath shall be in the fol-

Form of oath.

lowing form, to-wit: "I, ..., do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all the property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, in-

False return perjury.

formation and belief. So help me, God." Any person making false return shall be deemed guilty of perjury. Property held in

Property held in trust or as agent.

trust, or as an agent, guardian, executor or administrator, or in

Stock in corporations.

right of a *feme covert*, shall be returned on separate lists. Persons owning shares in incorporated companies within the city limits taxable by this charter are not required to deliver to the clerk a list thereof, but the president or other chief officer of such corporations shall deliver to the clerk a list of all shares of stock held therein, and the value thereof and the tax assessed on shares of stock in such corporations shall be paid by the corporations respectively.

Corporations to return capital stock.

Sec. 70. That all bridge, express, gas, manufacturing, street railroad and transportation companies, and all other companies and associations incorporated under the laws of this State, situate or having their principal place of business within the corporate limits of the city, shall in addition to the other property required by this act to be listed, make out and deliver to the clerk a sworn statement of the amount of their capital stock, setting

What lists shall specify.

forth particularly: First, the name and location of the company or association; second, the amount of capital stock authorized and the number of shares into which such capital stock is divided; third, the amount of capital stock paid up; fourth, the market

value, or if no market value, then the actual value of the shares of stock; fifth, the assessed valuation of all its real and personal property, which real and personal property shall be listed and valued as other real and personal property is listed and assessed under this charter. The aggregate amount of the fifth item shall be deducted from the aggregate value of its shares of stock as provided by the fourth item, and the remainder, if any, shall be listed by the clerk in the name of such company or corporation as capital stock thereof. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the clerk to make such return or statement from the best information which he can obtain.

Returns of bankers, brokers and stock jobbers.

Sec. 71. That every bank (not incorporated), banker, broker or stock jobber shall, at the time fixed by this charter for listing personal property, make out and furnish the clerk a sworn statement showing:

(1) The amount of property on hand or in transit.

(2) The amount of funds in the hands of other banks, bankers, brokers or others subject to draft.

(3) The amount of checks or other cash items not included in either of the preceding items.

(4) The amount of bills receivable, discounted or purchased and other credits due or to become due, including accounts receivable and interest accrued but not due, and interest due and unpaid.

(5) The amount of bonds and stocks of every kind, State and county warrants and other municipal securities, and shares of capital stock or joint stock of other companies or corporations held as an investment or in any way representing assets.

(6) All other property pertaining to said business other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act.

(7) The amount of deposits made with it by other parties.

(8) The amount of all accounts payable other than current deposit accounts.

(9) The amount of bonds and other securities exempt by law from taxation, specifying the amount and kind of each, the same being included in the preceding fifth item. The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this charter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credits. The aggregate amount of the ninth item shall be deducted from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

Returns of railroad companies.

Sec. 72. That all the real and personal property of any rail-

road, or so much thereof as may be located within the corporate limits of said city, including road-beds, rights-of-way, main and side tracks, depot buildings and grounds, section and tool houses, machine and repair shops, general office building and storehouse, rolling stock and personal property, necessary for the construction, maintenance and successful operation thereof, shall be listed for purposes of taxation by the principal officers or agents of such companies with the clerk in the manner provided by law for the listing and valuation of real and personal property, and shall be taxed as other real and personal property under the rules, regulations and methods now or hereafter to be provided by the General Assembly of North Carolina for ascertaining and listing the value thereof.

Penalty for failure to return lists.

Sec. 73. That if any person or company shall fail to render to the clerk the list of property and other taxables required to be rendered by this charter within the time prescribed for listing State and county taxes, such person or company shall pay double the tax assessed on any subject for which said person is liable to be taxed.

Clerk to examine listers under oath.

Sec. 74. That the clerk shall be particular to examine each person on oath whether he has other property than that stated in his return which he may claim is not liable to taxation. Such property, except bonds of the United States and of this State, shall be entered and noted on the tax list.

Clerk to make out tax list.

Sec. 75. That from the returns and lists made as provided by this charter the clerk shall, within thirty days after the expiration of the time for taking the said list, make out in a book kept or provided for that purpose an alphabetical list of the persons, companies and owners of property who have so made their returns, in the same manner as tax lists are made out by the law for the State and county taxes. And the said clerk shall copy in said book the assessments, on file in the register of deeds' office for Cabarrus County, of all property within the city limits.

Assessments of real estate.

Township returns taken as list.

Sec. 76. The said board of aldermen may, by a majority vote, adopt the list of property of every description and all polls returned in Number Twelve Township for State and county taxes as the list of property and polls to be taxed in the city of Concord, instead of taking a list of property and polls as heretofore mentioned. And the clerk to the Board of Commissioners of Cabarrus County shall give to the board of aldermen of said city a list of all property of every kind subject to State and county taxes and all taxable polls in Number Twelve Township subject to taxation, if a demand be made upon him by the board of aldermen of said city.

List to be furnished city.

BOARD OF EQUALIZATION.

Board of equalization.

Sec. 77. That in the month of May, one thousand nine hundred and seven, and biennially thereafter, if the said city shall make a tax list as above prescribed, the board of aldermen shall appoint three discreet and proper persons among the electors of the city of Concord, who are and have been owners of real estate and residents of the city for not less than twelve months, to be constituted and who shall constitute and be styled The Board of Equalization of the City of Concord, and the persons so appointed shall continue in office for two years and until their successors are duly appointed and qualified, unless removed from office or otherwise incapacitated to hold office as herein provided. No member of the board of aldermen and no person holding an office or appointment under the board of aldermen shall be eligible or qualified to act as a member of the board of equalization.

Term of office.

Members of board to be sworn.

Sec. 78. That before entering on their duties the members of said board shall take and subscribe before the mayor or some justice of the peace the oath prescribed in section six of the Constitution of the State and cause the same to be filed in the office of the clerk of said city.

Board to elect chairman.

Powers of chairman.

Sec. 79. That the said board shall elect from its number a chairman who shall have power to administer oaths and issue subpœnas for witnesses to appear before the board, who shall be required to appear and testify under like pains and penalties as if summoned to the Superior Court. In the absence of the chairman at any meeting of the board a temporary chairman shall be chosen, who during such meeting shall have and exercise the powers of the regular chairman.

Temporary chairman.

Tax list delivered to board.

Duty of board.

Sec. 80. That as soon as the tax list shall be completed by the city clerk, or adopted as above mentioned, the same shall be by him delivered to the board of equalization, which board shall have the power and it shall be its duty to act conjointly with the Board of County Commissioners of Cabarrus County in equalizing the valuation of all property within the corporate limits of said city, and said boards conjointly shall have all the powers given to the board of commissioners of the county to revise a tax list.

Boards to examine lists and equalize valuations.

Powers.

Sec. 81. That said boards shall conjointly and carefully examine the tax lists of the city and county, or the tax list of the county, and shall equalize the valuation of all property within the city limits, so that each tract or lot of land or article of personal property and all subjects of taxation shall be entered on the respective lists of the city and county at its true value in money, and shall cause the respective tax lists to conform as nearly as possible, and for this purpose they shall have power to increase, modify, add to and change the tax lists as made out, so that the valuation of similar property throughout the city shall

be as nearly uniform as possible, and in doing so they shall observe the following rules and shall have the following powers:

Increase of valuation.

(1) They shall, after notifying the owner or agent, raise the valuation of such tracts or lots of real property or articles of personal property and all other subjects taxed by the charter as in their opinion have been returned below their true value, to such price or sum as they may believe to be true value thereof.

Decrease of valuation.

(2) They shall reduce the valuation of such tracts and lots of property or articles of personal property and other subjects taxed by the charter as in their opinion have been returned above their value as compared with the average valuation of real and personal property of said city. In regard to real property they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot, and the uses thereof.

To ascertain property not returned.

(3) Whenever said board of equalization shall have reasonable ground to believe that any person, company or corporation has failed to give in a true and accurate list of such personal property and other subjects taxable by the charter as he, it or they are required to furnish, with the true value thereof, it shall be its duty to ascertain the same and insert the same and the true value thereof in the tax list.

Power to subpœna witnesses and require production of papers.

(4) In performing the duties required of it the said board of equalization shall have the power to subpœna, compel the presence of and examine witnesses and parties who list or fail to list, and send for and require to be brought before it and examine books, records, papers and such other things as it may deem proper to be used in evidence before it upon the same rules and penalties as are provided for Superior Courts.

Board may receive lists.

(5) The said board of equalization, on tendering the prescribed oath, may take a list of any person, company or corporation applying to list his or its taxables at any meeting held on or before the first day of October, upon the applicant paying the clerk twenty-five cents for recording the same; and, inserting the value of the property and taxables thus listed, said board shall have the same powers to investigate and ascertain the true value thereof as is herein given it in other cases.

Aldermen to levy tax.

Lists delivered to tax collector.

Sec. 82. That as soon as the tax lists can be revised by the board of equalization, the board of aldermen shall proceed to levy the tax on such subjects of taxation as it shall determine, and shall place the tax lists in the hands of the tax collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer. On the first day of December there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter until the same are paid.

Penalty for nonpayment.

Sec. 83. The taxes imposed upon the shares or certificates or shares of stock in any bank or banking association (State or National) shall be paid by the cashier or other principal officer of such bank or banking association directly to the city tax collector within thirty days after notice from said tax collector of the amount of tax due, and upon the failure of said cashier or principal officer to pay the tax collector as aforesaid, he shall forthwith institute an action against the bank or banking association for the recovery of the same in the proper court in said county of Cabarrus. Payment of tax on bank stock.

Sec. 84. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, all sales to be made after public advertisement for the space of ten days in some newspaper published in the city if the property to be sold be personalty, and of ten days if the property be realty, or by posting a notice in four public places in the city. And the said collector shall have the right to levy upon and sell any personal property situated outside of the limits of the city within the county of Cabarrus belonging to a delinquent tax-payer of the city in order to enforce the payment of taxes due the city by said delinquent. Collection by distress. Notice of sale. Personal property outside of city.

Sec. 85. That the tax due on any lot or other subdivision of land is hereby declared to be a lien on the same, and if it shall remain unpaid on the first day of December next after the assessment, the tax collector shall either proceed to collect the same by levy and sale of personal property belonging to the owner of said lot, or shall report the fact to the aldermen, together with a description of the real estate, and thereupon the aldermen shall direct the same to be sold at the court-house door in the city of Concord by the collector. The collector shall before selling the same make a full advertisement of the said real estate at the court-house door and at three or more public places in said city for twenty days, and shall also serve upon the owners thereof a written or printed notice of the taxes due and the day of sale, but such notice need not be given to any person having or claiming any lien on said land by way of mortgage or otherwise. Whenever the owners are not in the city or for any cause cannot be served with notice, then the advertisement of real estate belonging to such owners shall be made for one week in some newspaper published in the city of Concord, and the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and he shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person shall pay the whole of the taxes for the whole land, the same shall be Tax a lien on real estate. Sale of real estate for taxes. Advertisement. Advertisement if owner non-resident.

struck off to the city, and, if not redeemed as hereinafter provided, shall belong to the city in fee, and the owner or occupant may be dispossessed and evicted from said premises by the city or its assignee at any time by an action of ejectment. No sale of real estate in said city for the non-payment of the taxes assessed against such real estate as appearing on the tax list aforesaid shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person impeaching such sale shall show that the taxes so appearing as assessed on such property and all the penalties and costs accruing on such assessments and the proceeding for the sale were paid at the time of sale. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the price of each, which shall be entered on the book of proceedings of the aldermen; if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury subject to the demand of the owner.

Informalities and irregularities not to vitiate sale.

Return of collector.

Right of redemption.

Sec. 86. That the owner of any land sold under the provisions of this charter, his heirs, executors and administrators or any person acting for them may redeem the same within one year after the sale by paying to the purchaser the sum by him paid and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds, less double the amount of taxes.

Conveyance of property not redeemed.

Sec. 87. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns by deed executed under the hand of the mayor and two aldermen, attested by the corporate seal; and the recital in such conveyance or in any other conveyance of land sold for taxes due the city that the taxes were due, or of any matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

If owners under disability.

Sec. 88. That the real estate of infants or persons *non compos mentis* shall not be sold for tax; and when the same shall be owned by such in common with other persons free of such disability, the sale shall be made according to section two thousand nine hundred and thirteen of chapter seventy-two of the Revisal of 1905.

Privilege taxes.

Sec. 89. That the said city of Concord, in addition to other things now authorized in its charter, shall have a right to levy and collect the following amounts for the privilege of doing the acts or carrying on the trades or businesses, or exercising the privileges as follows: On all organ grinders, a tax not exceeding

Organ grinders.

ten dollars. On all bill or sign posters, a tax not exceeding ten dollars. On all agents selling pictures, maps, books or other merchandise from house to house, or from person to person, a tax not exceeding twenty-five dollars per annum. On all itinerant oculists or medical specialists who travel from town to town, an annual tax of not more than fifty dollars and not less than twenty dollars per annum. On all traveling specialists who follow the business of extracting teeth, an annual tax of not less than twenty-five dollars nor more than one hundred dollars. On all express companies, an annual tax of not more than one hundred dollars and not less than fifty dollars per annum. On all dealers or vendors of fire-works of any kind, an annual tax of not less than two hundred dollars and not more than five hundred dollars. On every broker, board of trade or exchange dealing in cotton or grain futures, flour, coffee or meat futures, or futures of any other commodity of value, a license tax of one hundred dollars per annum. On all public auction sales of horses, a license tax of not exceeding ten dollars per day. On all bootblacks, a monthly tax not exceeding two dollars. On each and every auctioneer, a license tax not to exceed ten dollars per annum, and shall take a receipt therefor before exercising the duties as such in the form of a license, and no other person shall be allowed to sell under an auctioneer's license. On every baker, an annual tax not to exceed fifteen dollars per annum. Every person who shall manufacture and sell any bread, pies, cakes or the like shall be deemed a baker. Each barber shop, for the first chair, an annual tax not to exceed five dollars, and for each additional chair not to exceed two dollars and fifty cents. On every two-horse carriage or hack running to the depot or elsewhere for reward, an annual tax not to exceed ten dollars. On every one-horse carriage or hack running from the depot for reward, an annual tax not exceeding five dollars, except those covered by livery license. On each public dray or wagon when drawn by one horse, an annual tax not exceeding ten dollars; when drawn by two horses, an annual tax not exceeding twenty dollars. And every such vehicle shall be numbered under the direction of the chief of police with the number of the license in plain and distinct figures. Every wagon hauling in the city limits for reward, either by annual contract or for the public, shall be considered a dray. On every electric light company selling or offering for sale electricity for lighting, heating and power, an annual tax not exceeding one hundred dollars. On every dealer in fertilizers, an annual tax not exceeding twenty-five dollars. On each owner of a fruit and vegetable or candy stand, an annual tax not exceeding twenty dollars. On dealers in fish and oysters, an annual tax not exceeding twenty-five dollars each. On each gas company, an annual tax not exceeding one hundred dollars. On every gas fitter and plumber, an annual tax not exceeding fifty dollars. Any person

Bill posters.
Peddlers.
Itinerant oculists or medical specialists.
Traveling dentists.
Express companies.
Dealers in fire-works.
Dealers in futures.
Horse auctions.
Bootblacks.
Auctioneers.
Bakers.
Barber shops.
Two-horse hacks.
One-horse hacks.
Drays.
Electric light companies.
Dealers in fertilizers.
Fruit, vegetable and candy stands.
Dealers in fish and oysters.
Gas companies.
Gas fitters and plumbers.

Gift enterprises.

Dealers in hides, furs and bones.

Ice-cream dealers.

Job printing offices.

Lightning-rod dealers.

Feather renovators.

Street stands.

Loan offices.

Agents or brokers for sale of oils.

Lubricating oils.

Oil peddlers.

Omnibuses.

Picture exhibitions.

Takers of likenesses.

Civil engineers, surveyors, real estate agents and brokers.

Medicine peddlers.

Manufacturers of soda water and bottlers.

Soda fountains.

Undertakers.

Veterinary surgeons.

Trading stamp companies.

Drug stores selling liquors.

may carry on the business of a gas fitter and plumber under the same license. On all gift enterprises or persons whose business it is to sell prize candies, photographs, pictures, jewelry or any other article with which a prize is offered as an inducement to buy, a tax not exceeding fifty dollars. On show houses where prizes are offered to induce the purchase of tickets of admission, an annual tax not exceeding twenty-five dollars for each exhibition. On all dealers in hides, furs, bones, an annual tax not exceeding ten dollars. On all ice-cream dealers, an annual tax not exceeding five dollars. On every job printing office, an annual tax not exceeding five dollars. On every itinerant who deals in or puts up lightning rods, ten dollars per month or for less time than a month. On every itinerant who deals in renovating feathers, a tax not exceeding ten dollars per month or for less time. On every street stand to sell lemonade, ice-cream, watermelons, fruits or sandwiches on public occasions, a tax not exceeding ten dollars for the first day and one dollar for each succeeding day. On all persons or corporations who conduct so-called loan offices, or who carry on a business of loaning money on such personal property, security of watches, jewelry and household and kitchen furniture by pledge or otherwise, a license tax of not less than one hundred dollars and not exceeding two hundred dollars. On every agent or broker for the sale of kerosene or other oils, an annual tax not exceeding two hundred dollars. On lubricating oil, an annual tax not exceeding fifty dollars. On every person peddling oil, an annual tax not exceeding twenty-five dollars. On every omnibus, an annual tax not exceeding ten dollars. On every exhibitor of photographs, kinetographs or like exhibitions, a tax not exceeding five dollars per week. On every taker of likenesses of whatever art, an annual tax not exceeding forty dollars. On every civil engineer or surveyor, real estate agent or broker, a license tax not exceeding fifteen dollars per annum. On every itinerant vendor of specifics, or itinerant making prescriptions or applications or administering medicine or drugs for diseases, a license tax not exceeding fifty dollars per week. On all manufacturers of soda water, bottlers, an annual tax not exceeding twenty-five dollars. On every soda and mineral water fountain, an annual tax not exceeding five dollars. On all undertakers who carry a stock of over one hundred dollars, an annual tax not exceeding twenty-five dollars; and under one hundred dollars, an annual tax not exceeding ten dollars. On all veterinary surgeons, an annual tax not exceeding ten dollars. On every person, firm or corporation who issues or sells to merchants or manufactures any trading stamps or other devices to be redeemed by the person issuing, giving away or selling the same, an annual tax not exceeding one hundred dollars. On every duly licensed

drug store selling spirituous, vinous or malt liquors, an annual license tax of not less than twenty-five dollars nor more than one hundred dollars. On every billiard or pool table and bagatelle table, an annual tax not exceeding fifty dollars. On all ten-pin alleys or bowling alleys, a tax not exceeding fifty dollars. On every exhibition of animals for reward, an annual tax not exceeding twenty-five dollars. On all peddlers of patent soap, medicine, ink, varnish or any goods, wares or merchandise which are not the products or manufacture of this State, a tax not exceeding ten dollars. On all lecturers for a reward, unless the reward be wholly devoted to some literary or charitable purpose, a tax not exceeding five dollars. On all auctioneers, a tax not exceeding five dollars. On all traveling theatrical companies, a tax not exceeding twenty dollars. On every concert or musical entertainment, a tax not exceeding five dollars, unless such concert or entertainment be given for the benefit of a religious or charitable purpose. On museums, wax works or curiosities of any kind exhibited for a reward, a tax not exceeding five dollars. On every exhibition of a circus or menagerie for which extra charge is made, a tax not exceeding ten dollars. On all itinerant companies or persons who exhibit for the amusement of the public otherwise than especially mentioned in this act, a tax not exceeding ten dollars. On all gift enterprises, or any person or establishment offering to present the purchaser with any gift or prize as an inducement to purchase, a tax not exceeding twenty dollars. On every itinerant physician, surgeon, dentist or chiropodist, a tax not exceeding ten dollars. Upon all itinerant merchants or peddlers offering to vend in the city, a license tax not exceeding one hundred and fifty dollars a year, except such only as sell books, charts, maps or wares of their own manufacture, but not excepting vendors of medicine by whomsoever manufactured, and not more than one person shall peddle under a single license: *Provided*, that such itinerant merchants or peddlers shall comply with such rules and regulations as the board of aldermen may make in respect to the times, places and manner of vending under such license. Upon every company of circus riders or performers, by whatever name called, who shall exhibit within the city or within one mile thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition; and upon every side show connected therewith, a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not, to be doubled. Upon every person or company exhibiting in the city or within one mile thereof, any stage or theatrical plays, sleight-of-hand performance, rope,dancing, tumbling, wire dancing, or menageries, a tax not exceeding fifty dollars for every three hours allowed for exhibiting, the tax to be paid before exhibiting or the same shall be doubled. Upon every exhibition for reward of artificial curiosities (models of useful inventions ex-

Billiard, pool and bagatelle tables. Bowling alleys.

Animal exhibitions.

Peddlers.

Lecturers.

Auctioneers.

Traveling theatrical companies.

Concerts.

Museums, wax works and curiosities.

Circus and menageries.

Other itinerant companies.

Gift enterprises.

Itinerant doctors.

Itinerant merchants or peddlers.

Proviso: peddlers to comply with rules.

Circus riders.

Side shows.

Stage plays, etc.

Artificial curiosities.

cepted) in the city or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition or the same shall be doubled. Upon each show or exhibition of any kind, and on each concert for reward in the city or within one mile thereof, and on every strolling musician, a tax not exceeding fifty dollars, to be paid before exhibition or the same shall be doubled. Upon every stock and bond broker, junk-dealer and pawnbroker, sewing-machine or bicycle company or agent for such company, dealer in or manufacturers' agent of musical instruments, keeper of sales stables or stock yards doing business in the city, a license tax not exceeding two hundred dollars a year. The board of aldermen shall have the right to levy a tax of one dollar on each and every lot in the city cemetery, in its discretion, which tax shall be collected as other taxes are collected in said city, and to be used exclusively for repairing, cleaning and keeping in good condition the said cemetery.

Shows, exhibitions, concerts and strolling musicians.

Various occupations.

Lots in city cemetery.

Power to condemn land.

Sec. 90. That when any land or right-of-way shall be required by said city of Concord for the purpose of opening new streets or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the city, to be chosen by the aldermen, who shall receive a *per diem* of one dollar each; and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace of the county or a clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of the valuation of said land or right-of-way: *Provided, nevertheless,* that if any person over whose land the said street may pass, or improvement be erected, or the aldermen, shall be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next Superior Court of Cabarrus County to be held thereafter; and the said freeholders shall return to the court to which the appeal is taken their valuations, with the proceedings thereon; and the land so valued by the freeholders shall vest in the city so long as it may be used for the purposes of the same as soon as the valuation may be paid or lodged in the hands of the Clerk of the Superior Court (in case of its refusal by the owner of the land): *Provided further,* that in case of the discontinuance of the use of the land and its reversion to the owner, the city may remove any improvement erected under its authority and expense within sixty days of such reversion. Nothing in this sec-

Valuation of land.

Proviso: right of appeal.

Land to vest in city.

Proviso: reversion.

tion shall prevent the committee on streets from proceeding at once to open up and build the streets and sidewalks as the board of aldermen may deem necessary for the public use.

Encroachments on sidewalks.

Sec. 91. That no basement, cellar, area, passage, entrance or other opening shall be excavated, made, built or permitted to remain under any sidewalk; nor shall any veranda, piazza, platform, entrance, stairway, passage, building or other projection or construction whatsoever be permitted to occupy any space on or over any sidewalk in the city whereby the free passage of persons may be hindered, obstructed, delayed or in anywise endangered, unless annually licensed and taxed by the board of aldermen.

Books, records and documents open for inspection.

Sec. 92. That all the books, records, documents and papers of every name and nature belonging to the city government or to the officers thereof in the performance of their official duties, shall be open to the inspection of any citizen and tax-payer of the city at all times during ordinary business hours.

Annual reports of officers.

Sec. 93. That on the first Monday of March in each year all of the officers of the city shall make out and file with the city clerk a fair transcript of all receipts and disbursements in the departments over which they preside; all the officers of the city having any of the property of the city in their charge shall report an inventory of the same, and each committee of the board of aldermen shall cause the same to be printed in book form for the general information of the citizens.

City attorney.

Sec. 94. The attorney for the city of Concord shall be the legal adviser of the said city, conduct and defend suits brought for or against the same, and shall perform such other duties relating to his official position as may be prescribed by the said board of aldermen, and shall prosecute all matters before the police justice when necessary.

Officers not to contract with city.

Sec. 95. That no mayor or alderman or other officer of the city shall directly or indirectly become a contractor for work to be done by the city, or contract with the city in any manner or receive anything from the city by way of light, water or other thing of value otherwise than is granted to the other citizens of Concord, and if such officer shall violate the provisions of this section he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned.

Crimes and penalties.

Sec. 96. That in addition to crimes and penalties hereinbefore enumerated, and in addition to the crimes and penalties denounced by the public laws of North Carolina applicable hereto, are these:

Neglect of duty.

(1) Every mayor or other officer of the city of Concord who shall fail, neglect or refuse to attend at and keep open his office for the transaction of official business as required by this act, without good and sufficient reasons satisfactory to the board of aldermen, shall be removed from office by the board of aldermen, two-thirds of the members concurring therein.

Punishment.

Failure to call election.

Failure to keep proper books.

Failure of officer elect to qualify.

Entering an office without qualifying.

Punishment.

(2) Any mayor or member of the board of aldermen who shall fail, neglect or refuse in due time to call and provide for the election by the people of city officers and for other purposes prescribed in this act; every officer of the city of Concord who shall fail, neglect or refuse to keep proper books of account showing all his transactions with the city, or to make proper returns and reports thereof, or to keep the books of his office open to public inspection, or to turn over and account for all the proceeds of all the fines, penalties and forfeitures imposed by the police justice as required by the provisions of this act; or who, having been elected to the office of mayor, alderman or other office of the city with his full knowledge and consent, shall fail, neglect or refuse to qualify; or who, having been elected to such office, shall enter upon duty or attempt to do so without having first taken, subscribed and filed with the clerk the oath of office, or given bond (if any) required by the provisions of this act, shall be guilty of a misdemeanor, and upon satisfactory proof thereof before the police justice, or before the Superior Court of Cabarrus County in case the police justice be accused, shall be adjudged to pay a fine not exceeding two hundred dollars or to be imprisoned not exceeding three months.

Failure of aldermen to attend meetings.

Punishment.

Proviso: office vacated by failure to attend meetings.

(3) Any alderman of the city who shall fail, neglect or refuse to attend any regular meeting of the board; or any special meeting called by a majority of the board in which he joined, or who, having had written notice by mail or otherwise of a special meeting of the board called by the mayor or by a majority of the board in which he did not join, shall fail, neglect or refuse to attend such regular or special meeting or give to the board on or before the next ensuing regular meeting thereof a satisfactory excuse therefor, shall forfeit and pay to the chief of police to the use of the city the sum of three dollars for each offense: *Provided*, that if any alderman be absent from three successive regular meetings of the board without a satisfactory excuse therefor, it shall be the duty of the aldermen to declare his office vacant and proceed to elect his successor.

Alderman or other officer contracting unlawful debt.

Or making unlawful appropriation or payment.

Punishment.

(4) Any alderman or other officer of the city who shall vote for, support or contract any debt against the city for purposes other than the necessary current expenses of the city without the money in the treasury available for its payment; or who shall make any appropriation, donation, gift, sale, transfer or payment directly or indirectly of any money, property or credit of the city for any use or purpose other than for the exclusive use and benefit of the city of Concord and of the people resident therein, unless herein otherwise provided, shall be guilty of an infamous crime, and upon conviction thereof in the Superior Court shall be adjudged to pay a fine of not less than one thousand dollars nor more than five thousand dollars, or to be imprisoned not less

than one year nor more than five years, or both such fine and imprisonment, in the discretion of the court, and shall be liable to an action at law for the recovery of the whole amount so unlawfully contracted or misappropriated, paid or transferred. Penalty.

(5) Any person whose duty it shall be as principal, agent, attorney, trustee, officer or otherwise for an individual, company, association, corporation or otherwise, to make return, list or report of property or poll for taxation under the provisions of this act, who shall fail, neglect or refuse to list the same, or shall list same in the name of any other than the true owner; or who, being interrogated by the clerk or any member of the board of equalization respecting such property, shall refuse to answer or shall answer falsely concerning the same; or who shall refuse to fill out, subscribe and make oath to his returns of such property or poll for taxation; and any person who shall interfere and by threats, force or violence prevent or attempt to prevent the lawful removal of any person into any hospital within or without the city by the authorities thereof; or who shall excavate, construct, build, use, keep or maintain any cellar, basement, area, passage, entrance or way under any sidewalk, or build, construct, keep, use or maintain any veranda, piazza, platform, building or stairway or other projection or construction upon or over any sidewalk in the city whereby the free and safe passage of persons may be hindered, delayed, obstructed or in any way endangered; or who shall engage in the business of an auctioneer or the keeping of a bucket, junk or pawn shop, without having first taken out a license therefor; or who, being a resident freeholder, shall refuse to serve as such for the condemnation of lands when thereunto required by the board of aldermen, shall be guilty of a misdemeanor, and upon satisfactory proof before the police justice shall be adjudged to pay for every such offense a fine not exceeding fifty dollars, or to be imprisoned not exceeding six months. Failure to return property for taxation. Various misdemeanors. Punishment.

(6) Any person who shall remove, deface, injure or destroy any monument placed at the central intersection or prolongation of the line of any public street, or on the line of any ward, or on the exterior lines and points of intersection of the corporate limits of this city, or who shall place or maintain upon any of said lines or any of the prolongations of the public streets of the city to the exterior boundaries any obstruction to the line of sight from any one corner, intersection, monument or natural elevation thereof, or who shall aid, advise or procure any such removal, defacement, injury, destruction or obstruction, shall be guilty of a misdemeanor, and upon conviction thereof before the police justice he shall forfeit and pay for every offense the sum of fifty dollars; and in addition thereto, for every day in which such obstruction is maintained after five days' notice to remove the same he shall forfeit and pay the sum of five dollars, and he Further misdemeanors. Punishment.

shall be imprisoned until such fine or fines and the costs are paid by work upon the public streets, roads or other works of the city or county at the rate of one dollar a day. And one-half of such fine or fines shall go to any complainant or informer, other than a city official, who shall also furnish evidence sufficient to convict the offender.

One-half fine to informer.

False fire alarms.

(7) That any person not lawfully authorized who shall give or knowingly cause to be given any false alarm of fire of the fire-alarm telegraph of said city, or who shall willfully and deliberately injure any part of the same, shall be guilty of a misdemeanor, and shall upon conviction be fined not exceeding one hundred dollars or imprisoned not exceeding sixty days.

Punishment.

Penalties civil.

Sec. 97. That all penalties or forfeitures imposed under the provisions of this act are imposed for the violation of any ordinance, by-law, rule or regulation of the board of aldermen, unless herein otherwise provided, civil in their nature, shall be recoverable before the police justice in a civil action in the name of the city of Concord, and all penalties or forfeitures incurred by any minor over the age of twelve years shall be recovered from the parent, guardian or master of such minor.

How recoverable.

Penalties incurred by minors.

Unlawful to sell liquors but on prescription.

Sec. 98. That it shall be unlawful for any person, firm, or corporation doing a licensed drug business in the city of Concord to sell spirituous, vinous or malt liquors except upon a prescription from a duly licensed physician. Any person, firm or corporation violating the provisions of this act shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than six months nor more than one year.

Punishment.

Physician not to be interested in drug store.

Sec. 99. It shall be unlawful for any person, firm, or corporation doing a licensed drug business in the city of Concord to fill or sell upon prescription any spirituous, vinous or malt liquors issued by any physician who has any interest in the said drug store or whose immediate family has any immediate interest therein. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than two hundred dollars, or be imprisoned not less than sixty days nor more than one year.

Punishment.

Unlawful for physician to prescribe if interested.

Sec. 100. It shall be unlawful for any practicing physician to issue any prescription for any spirituous, vinous or malt liquors to be filled by any firm or corporation in which he may be interested or hold any stock, or in which any of his immediate family may hold any stock. Any physician violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than two hundred dollars, or be imprisoned not less than thirty days nor more than one year.

Punishment.

Sec. 101. It shall be unlawful for any physician to give any prescription for spirituous, vinous or malt liquors to any person other than his regular patient, and when such prescription is given he shall state thereon the amount of the dose to be taken, the person to whom the same is issued, the date, and that said person is his regular patient. Any physician violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court. Physicians not to prescribe but for regular patients. Punishment.

Sec. 102. It shall be the duty of the chief of police at the end of each calendar month to collect from each and every person, firm or corporation dealing in drugs and selling spirituous, vinous or malt liquors as above set forth, all prescriptions issued by the practicing physicians of Cabarrus County to any person, firm or corporation in the city of Concord doing a licensed drug business, for the sale of intoxicating, vinous or malt liquors, and the said prescriptions when collected shall be filed in the office of the police justice's court. Any person, firm or corporation doing a licensed drug business and authorized to sell spirituous, vinous or malt liquors as above set forth, and failing or refusing to turn over all prescriptions as above mentioned, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court. And if the chief of police of said city shall fail or refuse to collect said prescriptions as above set forth, he shall be guilty of a misdemeanor, and upon conviction thereof he shall be fined or imprisoned at the discretion of the court and be removed from office. Chief of police to collect prescriptions. Prescriptions to be filed. Failure to turn over prescriptions a misdemeanor. Punishment. Failure to collect prescriptions a misdemeanor. Punishment.

Sec. 103. If the police justice has any information that any person, firm or corporation doing a licensed drug business is selling or giving away any spirituous, vinous or malt liquors in mixed drinks or otherwise than upon prescriptions from duly licensed physicians or that which is necessary in the due course of his business in the compounding of medicines, the said police justice shall issue his summons to said person, firm or corporation to produce from time to time an actual inventory of all spirituous, vinous or malt liquors that said person, firm or corporation shall have on hand, with all bills of lading and such other information as said police court shall deem necessary, all of which shall be filed in the records of the police justice's court. Any person, firm or corporation failing to comply with the summons issued from said court for the purposes above set out shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at the discretion of the court. Police justice to call for inventories and bills of lading. Failure a misdemeanor. Punishment.

Sec. 104. That any person, firm or corporation failing or refusing to pay any special license or privilege tax as provided by this act, when called upon to do so by the tax collector of said city, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than one hun- Failure to pay license tax. Punishment.

dred dollars, or imprisoned not less than ten days nor more than six months.

Sale and delivery of liquors forbidden.

Sec. 105. That it shall be unlawful for any person, firm or corporation except duly licensed druggists to sell, deliver or otherwise dispose of any spirituous, vinous, malt or intoxicating liquors or any other mixture that will produce intoxication within the corporate limits of the city of Concord, or within one mile beyond the limits of said city of Concord. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, or be imprisoned not less than sixty days nor more than one year.

Punishment.

BOARD OF SCHOOL COMMISSIONERS.

Election of school commissioners.

Sec. 106. The board of aldermen shall at the time of holding the elections for mayor and other officers of said city, also provide for the election of the members of the board of school commissioners of said city, as has been heretofore provided by the act and acts creating said Board of School Commissioners for the City of Concord.

Powers of school commissioners.

Sec. 107. The said board of school commissioners shall have the right to employ a superintendent and all the teachers of the public schools of said city, fix their salaries, adopt the text-books to be used in said schools and do any and all things pertaining to the welfare and running of said public schools of said city. But no teacher shall be employed by said board unless he or she first have a first-grade certificate granted by the Superintendent of Schools of Cabarrus County, or shall stand a like examination before the Superintendent of the Graded Schools of the City of Concord, or shall furnish a diploma of graduation from a good and reputable school or college of this State.

OFFICIAL BONDS AND SECURITIES.

Official bonds.

Sec. 108. That each of the following named officers shall, before entering upon duty, give a good and sufficient bond, conditioned for the faithful performance of the duties of his office, with one or more sureties justified in a sum not less than the penalty of the bond over and above all just debts and liabilities and the exemptions allowed by law, to be approved and certified as satisfactory by the board of aldermen and recorded by the clerk as follows, to-wit: First, the chief of police shall give a bond in the penalty of five hundred dollars; the city clerk and treasurer shall give three bonds, one in a sum not less than ten thousand dollars to cover the general fund of said city, and another bond of not less than fourteen thousand dollars to cover the interest fund of said city, and the third a bond of not less than five thousand dollars to cover the school fund of said city.

Chief of police.

City clerk and treasurer.

All of said bonds may be increased in the discretion of the board of aldermen of said city. Third, the tax collector shall give three bonds in the penal sum of not less than the sum that he is required to collect for all the funds, that is, the general fund, the school fund and the interest fund, as shown by the tax books of said city when turned over to him, to be fixed by the board of aldermen. Fourth, that the civil engineer and sanitary inspector shall give bond in a penal sum of not less than five hundred dollars: *Provided*, that the bonds herein provided for shall be given with such surety company as surety thereto as is now or may hereafter be allowed to execute similar bonds under the general laws of this State. Such bonds shall be carefully examined and certified anew by the board of aldermen annually during the month of May, or the year ending from the time of its election. If the security of any such bonds shall become impaired, or if for any cause the surety shall be adjudged insufficient to cover the amount of public money or other property in the custody of the officer, then the bonds shall be renewed, and the insufficient surety shall be increased, and the impaired security shall be made good, but such renewal shall not make cumulative, thereby doubling, the penalty of the bond. And for any breach of any such bond by any officer required to give an official bond, he shall be liable in an action on the same in the name of the city, at the suit of the city or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty is recovered. That the bonds of the tax collector, the city treasurer and chief of police and civil engineer and sanitary inspector may be paid for by the city in the discretion of the board of aldermen, in addition to the salary allowed each respective officer: *Provided*, any of said officers may give said bonds with private sureties.

Tax collector.

Civil engineer and sanitary inspector.

Proviso: surety companies.

Renewals.

Suits on bonds.

Bonds paid for by city.

Proviso: private sureties.

SALARIES AND FEES.

Sec. 109. That, in addition to the salaries, fees and allowances heretofore prescribed, there shall be allowed the following:

Salaries and fees.

(1) To the mayor, for his services to the city as such, per month, payable monthly by the city, fifty dollars.

Mayor.

(2) To the police justice a salary of not less than sixty dollars per month and not more than seventy-five dollars per month, to be fixed by the board of aldermen, to be paid in equal installments as the board of aldermen may fix, and such additional fees and allowances for the issuing of such writs, process, judgments and other lawful papers of his court as justices of the peace and Clerks of the Superior Court are entitled to receive for the performance of a like duty, to be taxed on the papers as a part of the cost in each case, and paid by the State, county or person usually charged with the costs in like cases in

Police justice's salary.

Fees and allowances.

courts of justices of the peace or the Superior Court, as the case may be: *Provided*, that said police justice shall charge a fee of two dollars in all criminal cases tried in his court, as heretofore provided for. The fees provided for in this section shall be paid when collected into the city treasury.

Proviso: fee in criminal cases.

Fees to use of city.

Chief of police—salary.

(3) The chief of police, for his services to the city as such, payable monthly by the city, a sum not less than sixty dollars per month nor more than seventy dollars per month, to be fixed by the board of aldermen. For his services in the execution of process issued by the police justice and executed by him or members of the police force under the provisions of this act, he shall be entitled to such fees and allowances as sheriffs and constables are entitled to receive for the performance of like duty, to be taxed on papers as a part of the costs in each case and paid by the State, county or person usually charged with costs in like cases in courts of justices of the peace or in the Superior Court, as the case may be, and in no event by the city, except as hereinbefore provided, and all of said costs shall be paid when collected into the city treasury: *Provided*, that the fees for arrests made for cases arising outside of the incorporated limits of the city of Concord and within one mile thereof shall be paid directly to the officer making the arrest or serving the papers therein.

Fees.

Costs to use of city.

Proviso: fees for outside arrests.

City clerk and treasurer.

(4) To the city clerk and treasurer, for his services to the city as such clerk, payable monthly by the city, an annual salary of not less than three hundred dollars, to be fixed by the board of aldermen of said city.

City tax collector.

(5) To the city tax collector shall be allowed two and one-half per cent. commissions on all collections of taxes made for the school fund and for the interest fund belonging to said city, and a commission of not over five per cent. on the general fund and all other funds to be by him collected for the said city of Concord, to be fixed by the said board of aldermen.

Other officers.

(6) To any other officer prescribed or authorized by any of the provisions of this act, shall be allowed a salary as to the board of aldermen may seem just and proper, not exceeding that prescribed for the like and similar services in this section, but the policemen for said city shall be allowed a salary or not less than forty-five dollars per month and not over sixty dollars per month, to be fixed by the board of aldermen.

Policemen.

Aldermen.

Sec. 110. The members of the board of aldermen of said city shall receive as compensation for their services the sum of two dollars for each regular monthly meeting during their term of office, and if there is more than one meeting in any month, they shall receive the sum of two dollars for attending same, but they shall not be paid anything for more than one called meeting each month. And the board of aldermen may allow in its

discretion one dollar a month to each member of the committee on finance for the attendance of the said committee on finance at its regular meeting, but no more.

Present board of aldermen.

Sec. 111. The present board of aldermen or the board of commissioners for the town of Concord shall provide for the election of the members of the Board of Aldermen and the Mayor of the City of Concord, as provided in this act.

Sec. 112. This act shall remain and be the charter of the city of Concord; and all laws or parts of law heretofore enacted in relation thereto and not heretofore repealed and which are inconsistent with this act, are hereby repealed.

Sec. 113. That this act shall be in full force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 345.

AN ACT TO SELL OR LEASE THE PITTSBORO ACADEMY.

The General Assembly of North Carolina do enact:

Trustees authorized to sell or lease.

Section 1. That the Trustees of the Pittsboro Academy, in the town of Pittsboro, are hereby authorized and empowered to sell or lease for school purposes the academy and grounds under their charge and the conveyance for such purpose shall be valid and sufficient when signed by the secretary and chairman of the board of trustees.

Sec. 2. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 346.

AN ACT TO INCORPORATE THE TOWN OF SPEED, IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Speed, in the county of Edgecombe, be and the same is hereby incorporated by the name and style of the Town of Speed, and it shall have the benefit of and be subject to all the provisions of law existing in reference to incorporated towns not inconsistent with this act.

Corporate limits.

Sec. 2. The corporate limits of said town shall be as follows: Beginning at a point where the Atlantic Coast Line Railroad crosses the creek known as Knight's Creek, just north of the town, running down said stream three hundred yards; thence in a southerly direction parallel with the said Atlantic Railroad to the canal known as Long's Branch, south of the town; thence eastwardly up said branch or canal six hundred yards; thence northerly parallel with said Atlantic Coast Line Railroad to Knight's Creek before mentioned; thence down said Knight's Creek to the starting point.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor and three commissioners and a constable, to be elected in accordance with the general laws regulating elections in cities and towns.

First officers.

Sec. 4. That until their successors shall be elected and qualified the following persons shall be the officers of said town, to-wit: Mayor, V. B. Knight; Commissioners, C. G. Thigpen, J. F. Jones, R. H. Langston, D. H. Porter, W. H. Davenport; Constable, Charlie Webb.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 347.

AN ACT TO EXTEND THE LIMITS OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Land added to city.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the corporate limits of the city of Wilmington shall be and the same are hereby extended and enlarged by adding thereto the following described tract or parcel of land,

Boundaries.

that is to say: Beginning at the intersection of the eastern line of Seventeenth Street with the southern line of Market Street, the same being the eastern limit of the said city of Wilmington at said point, and running thence eastwardly along the southern line of Market Street, if the same were extended eastwardly, three hundred and ninety-six (396) feet, and thence southwardly and parallel with Seventeenth Street two hundred and thirty-six (236) feet; thence westwardly and parallel with Market Street three hundred and ninety-six (396) feet to the eastern line of Seventeenth Street, thence northwardly along said eastern line

of Market Street two hundred and thirty-six (236) feet to the beginning.

Official designation.

Sec. 2. Be it further enacted, that said tract or parcel of land shall be known as Block Number Thirty-two of the addition of Carolina Place, and the lots in the said block shall correspond to the lots laid off, surveyed and shown upon said map of Carolina Place, made by Matthew and O'Brien, civil engineers, and duly recorded in book number forty-eight, page one hundred and eighty, in the office of the Register of Deeds of the County of New Hanover, in said State of North Carolina.

First ward.

Sec. 3. Be it further enacted, that said addition to the said limits of the city of Wilmington shall be and become a part of the First Ward of the said city.

City laws extended.

Sec. 4. Be it further enacted, that all laws and clauses of laws, now in force and provided for the government and regulation of the said city of Wilmington shall be so construed as to operate and extend to the limits prescribed by this act.

Sec. 5. Be it further enacted, that this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 348.

AN ACT TO ALLOW THE CITY OF RALEIGH TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Aldermen of the City of Raleigh is hereby authorized and empowered to issue bonds in the name of the City of Raleigh in such denominations and forms as it may determine and in an amount not exceeding one hundred thousand dollars, payable thirty years from their date, at such places as the board of aldermen may prescribe.

Denominations.

Amount.

Maturity.

Interest.

Sec. 2. That the said bonds shall bear interest at no greater rate than five per cent. per annum, and that the interest shall be made payable annually or semi-annually, as the board of aldermen may prescribe; and the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.

Authentication.

Sec. 3. That said bonds shall be signed by the mayor, attested by the city treasurer, and sealed with the corporate seal of the city, and shall have interest coupons attached thereto, which said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable in pay-

Exemption from city tax.

Coupons receivable for taxes.

Special tax.

ment of city taxes. That for the purpose of paying said bonds at maturity, and the coupons as they become due, it shall be the duty of the board of aldermen, and it is hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city, and in the same manner and at the same time as other taxes are collected under said charter: *Provided*, that the tax collected under this act for the payment of said bonds, interest and coupons as aforesaid shall be used for no other purpose, and it shall be the duty of the city treasurer, as said coupons are paid off and taken up, to cancel the same and report not less than once a year to the board of aldermen the number and amount of coupons so cancelled.

Proviso: specific appropriation.

Bond issue to be voted on.

Sec. 4. That the board of aldermen shall not issue said bonds nor any of them, nor levy nor collect said tax until it shall have been authorized and empowered so to do by a majority of the qualified voters of said city at an election or elections to be held at such times and places as the said board shall appoint, of which notice shall be given for twenty days in some newspaper published in said city; and at said election or elections those favoring the issuing of said bonds or any of them as specified in the call of such election or elections and the levying and collection of the tax for the payment of said bonds and coupons, shall vote "For Bonds," and those opposed to it shall vote "Against Bonds": *Provided*, that the said board may, in its discretion, order an entirely new registration of voters.

Notice of election.

Ballots.

Proviso: new registration.

Successive elections.

Sec. 5. That said board may call an election under this act at any time it may see fit, after giving proper notice, and the rejection by the voters of any proposition submitted to them under this act shall not prevent a submission of the same or other propositions to said voters at any other time that the board of aldermen may appoint; and that the said board may continue to call elections under this act until the whole amount of one hundred thousand dollars shall have been issued.

Purpose of issue.

Sec. 6. That said bonds may be issued for the purpose of repairing, remodeling, enlarging and improving the present City Hall building in any manner determined by the board of aldermen, and for providing the same with necessary equipments and furniture for such ends and purposes, and removing the present market from said building and purchasing lands and erecting thereon a suitable market house, or for the purpose of purchasing lands in said city and the erection thereon of an auditorium and such necessary and proper municipal building as the said board may determine, and for providing the same with necessary equipments and furniture for such ends and purposes; and the purposes for which said bonds are to be issued shall be deter-

mined by the board of aldermen within its discretion for the best interests of the city of Raleigh: *Provided, however*, that the said board shall in the resolution calling the election and in the notice to the people of the said election state the maximum amount of bonds to be issued under said election for the purposes for which the said bonds are to be issued, and the bonds shall be used for no other purpose than that specified as aforesaid: *Provided*, that the purchasers of said bonds shall not be required to see to the application of the purchase money.

Proviso: notice of election.

Proviso: duty of purchasers.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 349.

AN ACT TO INCORPORATE THE PIEDMONT AND SOUTHERN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That S. D. Harding, George B. Cowper, Z. V. Taylor, H. A. Negraw and Edward Van Brunt and such other persons as may be associated with them are hereby created and declared a body politic and corporate, with perpetual succession under the name and style of Piedmont and Southern Railway Company, and in that name may sue and be sued, plead and be impleaded in any court in this State, contract and be contracted with; shall have power to adopt a common seal and change the same at will, and shall be capable of taking by purchase, conveyance or in any other way real and personal property, and holding, leasing, conveying or in any other manner dealing with the same for any of the purposes herein enumerated, and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may make all necessary regulations for its government, not inconsistent with the laws of the United States or the State of North Carolina. It may build branch roads from any part of its main line not exceeding fifty (50) miles in length.

Corporators.

Corporate name.

Corporate powers.

Branch roads.

Sec. 2. The said company upon its organization shall have the power to build, construct, maintain and operate a railroad, operated by steam or electricity or both, or any other motive power, and a telegraph line, connecting the towns of Winston-Salem, Walkertown, Greensboro, High Point, Thomasville, Wadesboro, Rockingham, Hamlet to the South Carolina line, or any of said towns, through the counties of Forsyth, Guilford, Davidson, Montgomery, Stanly, Anson, Richmond or any of said counties.

To build and operate railroad.

Telegraph line.

Termini and route.

Capital stock.

Sec. 3. The capital stock of said railway company shall be two hundred and fifty thousand dollars ($250,000), which may be increased from time to time by proper corporate action of its stockholders to an amount not exceeding five million dollars ($5,000,000), to be divided into shares of the par value of one hundred dollars ($100) each: *Provided*, such increase of capital stock shall be made upon application to the Secretary of State and lawfully granted by him, such application to be accompanied by a receipt from the State Treasurer for the tax prescribed in section five thousand one hundred and ninety, Revisal of one thousand nine hundred and five, for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and when fifteen thousand dollars ($15,000) of the capital stock shall have been subscribed for, which said subscription shall be in the common stock of the company, the corporation may organize and begin business, with all the powers with which it is chartered. Of the remaining capital stock which may be issued, not more than fifty per cent. thereof may at the option of the stockholders from time to time be issued as preferred stock, with such powers, privileges and preferences as to dividends and assets, rights, limitations and restrictions as the stockholders by proper corporate action may determine: *Provided, however*, that at no time shall the corporation have issued and outstanding preferred stock in an amount exceeding fifty (50) per cent. of the common stock actually issued and outstanding.

Proviso: increase of stock.

Stock vote.

When company to organize.

Preferred stock.

Proviso: limit of preferred stock.

Subscriptions.

Sec. 4. That subscription to the capital stock may be made and paid in money, lands, material or services, or other things of value necessary to the uses of the corporation, or in bonds, stock or other valuable securities, in such manner and on such terms as may be agreed upon by the president and directors of said company, and the stock issued by the directors of said corporation in payment of any subscription or purchase for real estate or personal property necessary for the purposes of the said corporation, or for work, labor or services performed or materials furnished to or for such corporation, shall be full paid stock, and when so issued shall not be liable for any further call, neither shall the holder thereof be liable for any further payments, and in the absence of actual fraud the judgment of the directors as to the value of the property, work, labor or services performed or materials furnished, for which the capital stock of the company may be issued, shall be conclusive, and in all statements and reports of the corporation required to be filed by the laws of the State of North Carolina, this stock shall not be stated or reported as being issued for cash paid to the corporation, but shall be reported in this respect according to the facts.

Full paid stock.

Reports.

Directors.

Sec. 5. The board of directors of said corporation shall consist of as many members, not less than five, as the stockholders may

by proper corporate action determine, and said board of directors shall have power to fill any vacancies that may occur in it during the period for which it has been elected. The officers of the company shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer may at the election of the board of directors be one and the same person.

Vacancies.

Election of officers.

Secretary and treasurer.

Sec. 6. The said company shall have the power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed, or that may hereafter be constructed in this State or elsewhere; and such railroad companies owning franchises in this State as may desire to sell, lease or otherwise convey their franchises and property to the corporation herein created are hereby granted such right, power and privilege. Said corporation shall have power to consolidate its franchises and property with any other road under such name as shall be agreed upon. It may assign and lease its franchises, or any part thereof, to any other railroad, and the road so leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased and purchased as though they had been originally held and constructed by the railroad so leasing or purchasing, and the road so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging or pertaining to the corporation created by this act: *Provided, however*, that nothing in this act shall be so construed as to allow the corporation hereby authorized to become the agency through which any competing railroad companies in this State may consolidate.

May lease other roads.

Power of consolidation.

Power of assignment or lease.

Proviso: competing roads.

Sec. 7. That in the event said company shall deem it necessary to cross, intersect, join or unite its railway with any other railroad before constructed at any point on its route and upon the grounds of such other company, with the necessary turnouts, sidings and switches and other conveniences in furtherance of the objects of its connection, or to construct its road across, along or upon any street, highway, plank road, turnpike or railroad which the route of the road hereby authorized to be constructed shall intersect or touch, it may do so in the manner prescribed by chapter sixty-one of the Revisal of one thousand nine hundred and five.

Powers in crossing or connecting with other roads.

Sec. 8. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall be laid, for the purchase of the land for a right-of-way, depot or terminal purposes, the said company may proceed to enter upon and condemn the same in the manner set out in chapter sixty-one of the Revisal of one thousand, nine hundred and five. In assessing the damages the appraisers to be appointed as

Power to condemn lands.

set out in said chapter sixty-one shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owners, and likewise shall consider any general or special benefit which the owner may derive from the location of the road, and if the consideration shall be for a right-of-way only, the consideration shall extend only to the right-of-way, but if for depot or building purposes the consideration shall be in fee. Either party may appeal to the Superior Court in term-time from the approval or disapproval of the clerk, which appeal must be prayed within ten days, but if the said company at the time of the appraisal shall pay into court the sum appraised by the commissioners, then and in that event the said company may enter, take possession of and hold the said lands, notwithstanding the pendency of the appeal, until the final judgment rendered on said appeal.

Appeal.

Limit on power of condemnation.

Sec. 9. The right of said company to condemn and take land under this act shall be limited to a space of sixty (60) feet on either side of its road-bed, measuring from the center of the same, except for depots, warehouses and terminal facilities it may condemn not exceeding three (3) acres in any one place.

Power to subscribe to stock of other companies.

Sec. 10. That said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this State or elsewhere, and hold shares in the same.

Further powers.

It may buy, sell, own, hold and deal in real estate, standing trees, lumber, lubermen's materials and supplies. It may build, equip and operate saw-mills, planing mills, shingle mills, dry kilns, hotels, boarding houses, mills for the manufacture and production of both dressed and undressed lumber, sash, doors, blinds and all other kinds of building material, and may own and operate all kinds of machinery and equipment necessary and suitable for the manufacture of the articles hereinbefore set out, and all other building materials, and for the manufacture of wagons, buggies and other kinds of vehicles. It shall have the power, right and authority to erect, construct, equip, maintain and operate tramroads, and shall have the right to sell and deal in such products of mills as may by its operations be produced.

Light and power company.

Sec. 11. The said company hereby incorporated may manufacture, generate, employ, distribute, furnish, buy and sell within the towns and cities mentioned in this act and in all towns and cities which any of its lines of railroad may touch, or any towns and cities within a radius of twenty (20) miles of the cities touched, electricity, electric current, gas or other suitable and proper materials or fluids for public and private use, for its own use and for distribution and sale to all persons, firms and corporations, upon such terms as may be agreed upon by the contracting parties; and may construct, equip, operate and maintain a line or lines of street railway, with one or more tracks in

Street railways.

said cities and towns as are above designated, with such cars, trolley wires, cable posts, side tracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary: *Provided*, that in the laying of its tracks, the location of its wires and poles and the laying of its pipes, it first have and obtain the consent of the boards of aldermen of said towns and cities, and that it conform its buildings and works to the reasonable rules and regulations which may be prescribed by said boards of aldermen; that it may acquire by lien, subscription to or purchase the capital stock or otherwise the works, tracks, property, poles, lines, wires, power houses, branch roads, privileges and all other property of other corporations doing a street railway or an electric lighting or power business or a gas business in any of the cities over which it may pass and within the radius above set out, and may sell, lease, use, maintain and extend the same, and power is hereby conferred upon such companies chartered under the laws of this State to transfer by sale or lease all their works, tracks, property, franchises, rights, privileges or immunities to the company hereby incorporated, and to unite and consolidate with it upon such terms as may be agreed upon.

Proviso: consent of municipal authorities.

May purchase rights of other companies.

Sec. 12. That in order to carry into effect the powers herein granted said company may survey such rights for its line or lines of street railway, and for its ways and lines, for transmission and distribution of power, light and heat, as may be deemed practicable, and in the event any lands of individuals or corporations, or any easement, privilege or right-of-way therein shall be found necessary for the construction and operation of its said line or lines of railway, its branches and sidings and all its wires, cables, depots and conduits for the purpose of transmission and distribution of power, light and heat, if unable to agree with the owners thereof upon the compensation therefor, said company shall have the right to acquire title to the same, or to any easement or privilege or right-of-way therein, in the manner and by the special proceedings prescribed in chapter thirty-two of the Revisal of one thousand, nine hundred and five, regulating electric companies.

Powers of condemnation of property.

Sec. 13. That any county, township, city or town along or near the line of railroad herein authorized to be built and constructed may subscribe to the capital stock of said company in the following manner: Upon presentation in writing, signed by not less than one hundred freeholders and resident tax-payers of the county, township, city or town, to the board of county commissioners of said county or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside a proposition to subscribe a definite sum named in said petition to the capital stock of said company, the board of commissioners of said county, or proper authorities of said city or town, shall

Municipal subscriptions.

Petition for subscription.

Election to be ordered.

within thirty (30) days order an election to be held in such county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said

Ballots.

county the amount specified in said petition, at which election all those qualified to vote who are in favor of said subscription shall vote a ballot on which are written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by

Notice of election.

the general election laws of the State of North Carolina; such election shall be held after thirty (30) days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house door of said county, township,

Returns.

town or city where the said election shall take place, and the returns thereof shall be made to the board of commissioners of

New registration.

said county or proper authorities of said city or town. That the said county commissioners or municipal authorities as the case may be are hereby authorized and required to order a new registration of the qualified voters of said county, township, city or town for said election.

Effect of election.

Sec. 14. If a majority of the qualified voters vote for subscription, then the proper authorities of said county or the proper authorities of said city or town shall immediately make such subscription and shall issue coupon bonds to the amount of said

Bond issue.

subscription in order to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or

Denominations.

town they are issued. They shall be in denominations of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000), and shall run for such period of years and bear such rate of interest as the petition and order of said

Form.

election shall indicate; they shall be executed in the form required by law, and the board of commissioners of such county or the proper authorities of such city or town shall have the election either to sell said bonds and pay for its subscription to the capital stock of the said company in cash, or to deliver said bonds for like amounts of capital stock in full payment therefor.

Special tax.

Sec. 15. The county commissioners in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes in order to provide for the payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to provide for payment

of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof, and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which they were levied and collected, and for no other.

Company may issue bonds.

Sec. 16. It shall be lawful for the said Piedmont and Southern Railway Company chartered by this act to issue from time to time coupon bonds in such denominations and running for such a time and bearing interest at such a rate and payable at such a time and place as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure the payment of the same the company is authorized to execute a mortgage or mortgages to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or in case the road be divided and built in sections, which the said company is authorized to do, such mortgage or mortgages may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Guilford County, and upon registration in Guilford County it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same was registered in each and every county through which the road passes.

Registration of mortgage.

Liability of stockholders.

Sec. 17. That the stockholders of said company, whether public, private or municipal, shall not be personally liable for the debts of said company.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 350.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CLINTON, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Power to condemn lands.

Section 1. That section one of chapter two hundred and five of the Public Laws of one thousand eight hundred and fifty-two be amended by adding after the word "ones," in line nineteen, and before the word "and," in line twenty, the following: "and for the purpose of laying out, improving and repairing old streets,

new streets, alleys, water-ways, drains, a system of water-works, wells and cisterns, the said Commissioners for the Town of Clinton shall have and are hereby granted the right to condemn the lands and premises of private land-owners and make such ordinances as may be reasonable and just in carrying out this right of eminent domain."

Special tax authorized.

Sec. 2. That for the purpose of discharging the obligations already contracted and incurred, and hereafter to be contracted and incurred, in the purchase of a fire engine and equipment for protection against fire, and for the purpose of securing electric lights for the town, the said board of commissioners shall have the right to levy and collect annually an additional special tax not to exceed ten cents on the one hundred dollars' worth of property and thirty cents on the poll, in addition to the taxes now authorized by law to be levied and collected in said town.

Limit.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 351.

AN ACT TO AMEND CHAPTER 70, PRIVATE LAWS OF 1903, PERTAINING TO THE CHARTER OF THE TOWN OF WEST TARBORO.

The General Assembly of North Carolina do enact:

Revisal of 1905.

Section 1. That chapter seventy, Private Laws of one thousand nine hundred and three, be amended as follows: Strike out all of section one of said act after the word "of," in line five thereof, and insert the following: "chapter seventy-three of the Revisal of one thousand nine hundred and five and the acts of the General Assembly amendatory thereof, except as is hereafter provided:

Proviso: town elections.

Provided, that, subject to the rules and regulations prescribed by chapter seventy-three of the Revisal of one thousand nine hundred and five for the election of officers for cities and towns, election shall be held on Tuesday after the first Monday of May, one thousand nine hundred and seven, and biennially thereafter by the qualified voters resident in the town of West Tarboro, Edgecombe County, North Carolina, for the purpose of choosing a mayor, three members of the board of commissioners and a constable, who shall hold their respective offices until their successors are duly elected and qualified. Any *bona fide* citizen and resident of the town of West Tarboro shall be eligible to election to any of said offices. *Provided further*, that the board of com-

missioners of said county may appoint the constable so elected tax collector of said town."

Municipal election law.

Sec. 2. Strike out all of line three in section three of said act, and insert the following in lieu thereof: "with the general laws now in force regulating elections in cities and towns, except wherein the same may be by this act specifically altered and amended." Then add subsection three to said act, which shall be in the following words: "That hereafter there shall be but one polling place for said elections in said town, which shall be established by the board of commissioners of said town in regular session by order and a notice of the same, signed by the mayor and town clerk, reciting the action of the board and locating said polling place shall be posted at three public places in said town at least sixty days before any election."

Polling place.

Town taxes.

Sec. 3. Add section seven to said act, which shall be in the following words: "That the board of commissioners of said town is hereby authorized and empowered to annually levy and cause to be collected for municipal purposes a tax not less than five cents nor more than ten cents on the hundred dollars, and fifty cents on each poll, on all persons and property within the corporate limits of said town which may be liable to taxation for State and county purposes; and that said board of commissioners and its successors in office, from and after the ratification of this act, shall observe the limitation of rates thus prescribed and by this act authorized, and shall impose or levy no greater tax on person or property in said town, without special authority conferred by law."

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby expressly repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 352.

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and fifty-two of the Private Laws of North Carolina enacted at its session in one thousand eight hundred and ninety-nine, entitled "An act to amend and consolidate the charter of the town of Monroe," be amended by adding to section twenty-five of said act, after subsection seventeen and before section twenty-six, the following:

Additional special taxes.

"(18) The board of aldermen shall have the right also to levy and cause to be collected the following additional special taxes: On auctioneers, a tax not exceeding twenty dollars; on bakers, a tax not exceeding fifteen dollars; on barber shops, not exceeding five dollars for the first chair and two dollars and a half for each additional chair; on dealers or agents for the sale of bicycles, a tax not exceeding twenty-five dollars; on bill posters, a tax not exceeding twenty-five dollars; on street bootblacks, a tax not exceeding one dollar per month; on every butcher or dealer in fresh meats, a tax not exceeding twenty-five dollars. Any one buying, selling and retailing fresh meats shall be considered a butcher or dealer. On manufacturers or wholesale dealers in ice, a tax not exceeding fifty dollars; on every retail dealer in ice, a tax not exceeding ten dollars; on every dealer in coal, a tax not exceeding twenty-five dollars, and on every dealer in lumber, a tax not exceeding twenty-five dollars. On eating saloons or restaurants, a tax not exceeding twenty dollars, and on all persons serving cold lunches, a tax not exceeding ten dollars; on electric light companies, a tax not exceeding one hundred dollars, and on electricians, a tax not exceeding twenty dollars; on plumbers and pipe fitters, a tax not exceeding twenty-five dollars; on each ice-cream dealer, a tax not exceeding five dollars; on itinerant chiropodists, sign painters, photograph or daguerrean artists or other persons taking or enlarging likenesses of the human face, a tax not exceeding twenty-five dollars; on every junk dealer, a tax not exceeding fifty dollars; on every lightning rod dealer who sells and puts up lightning rods, a tax not exceeding fifty dollars; on every livery stable using from one to ten horses, a tax not exceeding twenty-five dollars, over ten and not over twenty horses, a tax not exceeding forty dollars, over twenty horses, a tax not exceeding sixty dollars, provided that the payment of this tax shall not exempt such livery stable from the payment of the taxes levied on drays, hacks, carriages or other vehicles here enumerated, or for feed stables; on each feed stable for reward, a tax not exceeding fifteen dollars; on each street stand for the sale of lemonade, ice-cream, watermelons, fruits, sandwiches or other refreshments on public occasions, a tax not exceeding two dollars for the first day and one dollar for each succeeding day; on all persons or corporations conducting loan offices, or acting as pawnbrokers, carrying on the business of lending money on such personal property security as watches, jewelry, household and kitchin furniture or wearing apparel, a tax not exceeding two hundred dollars; on every agent or broker for the sale of kerosene oil, a tax not exceeding one hundred dollars, and on every agent of lubricating oils, a tax not exceeding twenty-five dollars, and on every agent, person, company, firm or corporation selling and delivering kerosene oil or other illuminating oil, a tax not exceeding one hundred dollars

for each wagon or other vehicle delivering the same; on every person exhibiting a phonograph, kinetograph or other machine of like character for reward, a tax not exceeding twenty-five dollars; on every pressing club, cleaning or dyeing clothes, a tax not exceeding twenty dollars; on every telephone company doing business or having an office in the city of Monroe, a tax not exceeding fifty dollars; on every express company having an office in the city of Monroe, a tax not exceeding fifty dollars; on every gas company, power company, other than electric, a tax not exceeding fifty dollars; on every street railroad company, a tax not exceeding fifty dollars; on sales stables, a tax not exceeding fifteen dollars; on boarding houses, a tax not exceeding twenty-five dollars. The aldermen shall classify the boarding houses, so as to make the tax equitable and just on the boarding houses, according to the number of boarders in such boarding houses. Every person boarding two or more persons shall be considered as keeping a boarding house. On gift enterprises or persons offering any reward or present as a prize in order to induce persons to trade with the person offering the reward or prize, a tax not exceeding twenty-five dollars; on all dealers in hides, furs, bones or other articles of a like nature, a tax not exceeding fifteen dollars; on every railroad company, a tax not exceeding one hundred dollars; on every skating rink or other place of amusement of like character, a tax not exceeding one hundred dollars; on every stallion or jack serving mares within the corporate limits, a tax not exceeding twenty-five dollars; on manufacturers of soda water, bottlers of soda water, ginger ale or other soft drinks, a tax not exceeding twenty-five dollars; on every soda water or mineral water fountain, a tax not exceeding ten dollars; on each undertaker, a tax not exceeding ten dollars; on veterinary surgeons, a tax not exceeding ten dollars; on all persons who shall sell furniture on the installment plan, a tax not exceeding twenty-five dollars per annum; on steam or electric laundries, a tax not exceeding twenty-five dollars per annum; on Chinese laundries, a tax not exceeding five dollars per annum. The taxes levied as privilege taxes in the charter of the city of Monroe shall be levied and collected for each place of bnsiness enjoying the privileges herein enumerated, whether owned by one or different persons, firms, corporations or otherwise. Any person desiring to engage in any of the trades, callings or professions named in this section shall before doing so apply to the chief of police for the necessary license to exercise the privilege desired, and upon payment of the license tax, the chief of police shall issue the license, which shall be countersigned by the city clerk, who shall make a record of such license. If any person, company, firm or corporation shall exercise any of the trades, callings or professions herein taxed, after such tax shall be levied by the board of aldermen of the

Tax on each place of business.

Licenses.

Engaging in business without a license a misdemeanor.

city of Monroe, before paying such license tax, such person, company, firm or corporation shall be guilty of a misdemeanor."

Sidewalks to be paved.

Sec. 2. That for the purpose of grading, paving and otherwise improving the sidewalks of the city of Monroe, the board of aldermen may pave the sidewalks of any street or streets with asphaltum, cement or such other materials as shall be best adapted for the particular street or locality, and shall keep an accurate account of the cost of the material and labor necessary to properly pave such sidewalk, and when the same is completed, one-half of such cost for material and labor for the sidewalk immediately in front of the lot of the abutting owner, on the side of the street next to such abutting owner, shall be paid by the owner of the lot on presentation of the bill for such half of the costs, and if not paid at the time of such presentation of the bill for costs, the said sum so assessed against the abutting owner shall bear interest from the time of presenting the bill for such half of the cost of the improvement, and shall be a lien on the lot of such abutting owner. And if such abutting owner shall not reside in the county of Union, such notice shall be given to his agent, if he have one in said county, and if there be no agent of the abutting owner, notice of said claim and the amount thereof shall be given by publication in a newspaper published in Monroe, for two weeks, and if not paid in sixty days, such costs for the one-half of such labor and material may be assessed against the lot of the abutting owner and entered on the tax list of the city of Monroe for the current year, and the assessment so entered shall constitute a lien and be collected as other taxes are collected, or if there shall be any *bona fide* contention by the abutting owner as to the amount due, the same may be collected by an action in the name of the City of Monroe against such abutting owner in the nature of foreclosure proceedings, and if such abutting owner shall tender to the city of Monroe the amount admitted to be due by him for such labor and material charged against him, and shall pay the same into court for the use of the city of Monroe at the time of answering, and the city shall recover no greater amount than that paid in court, the city shall not recover any costs, but shall pay all costs accruing on account of said action of foreclosure.

One-half cost paid by lot owners.

Interest.

Notice to owner.

Collection of assessment.

Water and light for non-residents.

Sec. 3. That the Board of Aldermen of the City of Monroe is authorized, in its discretion, to contract to furnish water and light to persons residing within a mile and outside of the corporate limits of the city of Monroe, on condition that such persons shall at their own expense furnish the necessary piping and electric wires, and erect the same, but the city of Monroe shall not be required to furnish water and light to said persons, whenever doing so will materially effect the supply of water and light furnished to the city of Monroe and its citizens and resi-

dents: *Provided*, the city of Monroe shall not be responsible for any accidents, injuries or lack of water or light outside of the corporate limits of the town, which may result from the erection or making any water mains or electric light poles, wires or cross-arms or other damages resulting from the erection and use of said pipes, poles, wires or cross-arms outside of the corporate limits of the city of Monroe. Proviso: responsibility of city.

Sec. 4. That subsection four (4) of section twenty-five (25) of the Private Acts of one thousand eight hundred and ninety-nine be repealed. Repeal.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 353.

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ISSUE BONDS AND TO PROVIDE FOR THE PAYMENT OF THE SAME.

Whereas, the city of Charlotte has heretofore contracted indebtedness to meet the necessary expenses of said city to an amount in excess of the sum of one hundred and seventy-five thousand dollars, and said city desires to issue long-time bonds in a sum not exceeding one hundred and seventy-five thousand dollars for the purpose of funding a part of said indebtedness, and further desires to procure authority to levy taxes to pay the interest on the bonds so issued and to provide a sinking fund to meet the principal when it shall become due: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of said city be and it is hereby authorized to issue bonds of said city to an amount not exceeding one hundred and seventy-five thousand dollars, par value, for the purpose aforesaid. Bond issue authorized. Amount.

Sec. 2. That the bonds authorized by this act shall be negotiable coupon bonds, payable to bearer the principal thereof thirty years after date, and the interest in semi-annual installments at the rate of four and one-half per cent. per annum; and shall be of such form and denomination, and payable as to principal and interest at such place or places as said board of aldermen may determine, and shall be dated the first day of April, one thousand nine hundred and seven, or such other date as said board of Description of bonds. Maturity and interest. Date.

Proviso: limit of issue.

aldermen may determine: *Provided, however*, that the total issue of bonds authorized by this act shall not exceed the sum of one hundred and seventy-five thousand dollars, par value.

Authentication.

Sec. 3. That said bonds shall be signed by the mayor, countersigned by the clerk and treasurer, and sealed with the corporate seal of said city, and the coupons on said bonds may be authenticated by the engraved or lithographed fac-simile of the signature of the clerk and treasurer. Both the principal and interest of said bonds may be made payable in gold coin of the United States of the present standard of weight and fineness.

Payable in gold coin.

Sale of bonds.

Sec. 4. That the said bonds shall be sold at public or private sale, as the board of aldermen of said city may determine, for not less than their par value and accrued interest; and the proceeds of the said bonds, including any premium received upon the sale thereof, shall be applied only to the payment of the floating indebtedness of the said city contracted for its necessary expenses, and the purchaser of the said bonds shall not be bound to see to the application of the purchase-money thereof to said purpose.

Application of proceeds.

Proceedings for issue of bonds.

Sec. 5. That the resolution of the board of aldermen of said city determining the form of said bonds and finally authorizing their issue may be introduced and passed at the same meeting of said board, which meeting may be either a regular or special meeting of the board of aldermen, by a majority vote of all the aldermen present at said meeting. No other or further proceedings shall be necessary for the issuance of such bonds, and all bonds issued in accordance with the provisions of this act shall be valid, legal and binding obligations of the said city, notwithstanding any previous acts limiting the amount of the bonded indebtedness of the said city of Charlotte.

Tax for interest on bonds.

Sec. 6. That the board of aldermen of said city is hereby required and directed to levy and collect, in addition to all other taxes in said city, a tax upon all taxable property and polls of said city of Charlotte sufficient to pay the interest on the bonds issued under this act as the same becomes due, and also on or before the time when the principal of said bonds becomes due to levy and collect a further special tax to pay the same or to provide for the payment thereof. The tax so levied upon the taxable property in said city shall be an *ad valorem* tax, and the tax upon the polls and property shall be in the proportion required by the Constitution of this State. Said special tax shall be levied and collected at the same time as other taxes upon the property and the polls of said city.

Action of aldermen authorized.

Sec. 7. That any and all proceedings of said board of aldermen in advertising for proposals to purchase said issue of bonds, and in accepting the highest bid therefor, be and the same are hereby duly authorized.

Sec. 8. That this act shall be in force from and after its ratification; and all laws or parts of laws inconsistent with the same are hereby repealed, so far as the same are inconsistent therewith.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 354.

AN ACT TO REINCORPORATE AND RESTORE CORPORATE POWER TO THE TOWN OF GATESVILLE, IN GATES COUNTY, AND TO EXTEND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the town of Gatesville, in the county of Gates, be and the same is hereby incorporated by the name and style of the Town of Gatesville, and shall be subject to all the provisions contained in the Revisal of one thousand nine hundred and five relative to cities and towns, not inconsistent with the Constitution and laws of this State or of the United States, also subject to the general laws in relation to corporations not inconsistent with this act. Town incorporated. Name and style.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at Bennett's Creek Bridge on Bennett's Creek; thence with the road and Main Street and the road leading to Somerton, Virginia, a distance of fifteen hundred yards from said Bennett's Creek Bridge; thence starting again at Bennett's Creek Bridge, up said Bennett's Creek five hundred yards from the bridge in the direction of Hayes' landing; thence down said creek three hundred yards; thence leaving the creek and running a west course two hundred yards, making the western boundary five hundred yards from said Bennett's Creek; thence parallel with the road and street fifteen hundred yards, including a space of fifteen hundred yards long and one thousand yards wide by bringing together the northern boundary. Corporate limits.

Sec. 3. That the officers of said corporation shall consist of mayor, three commissioners and a constable, to be elected on the first day of May in the year one thousand nine hundred and seven by the qualified voters of said town, and annually on the first Monday of May thereafter, and the following named persons shall fill said offices till the first Monday of May, one thousand nine hundred and seven: Mayor, Lycurgus Hofler; Commissioners, R. E. Williams, E. R. Roberts, Martin Kellogg; Constable, Tonia Felton. Town officers. Town elections. First officers.

Prohibition.

Sec. 4. That it shall not be lawful for the Board of Commissioners of Gates County to grant license to any person or persons to retail spirituous liquors within the corporate limits of the town of Gatesville.

Dispensary forbidden.

Sec. 5. That it shall be unlawful for any person or persons to establish, manage or operate a dispensary in said town of Gatesville, and any person or persons violating the provisions of this section shall upon conviction be fined not less than five hundred dollars nor more than one thousand dollars, and that any law in conflict with this section shall be and is hereby repealed.

Voters.

Sec. 6. That all resident citizens within the said corporation who have resided ninety days previous to the election shall be entitled to vote at said election.

Commissioners to meet and qualify.

Sec. 7. That it shall be the duty of the commissioners-elect to meet within five days and organize, take and subscribe the following oath: "I, A. B., do swear that I will faithfully act as commissioner to the best of my knowledge and ability for the term of my office. So help me, God."

By-laws, rules and regulations.

Sec. 8. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of the State and the United States.

Taxing power.

Sec. 9. The commissioners shall have power to levy a tax not exceeding one dollar on the poll and thirty-three and one-third cents on the hundred dollars' valuation of property.

Subjects of taxation.

Sec. 10. The commissioners shall have power to levy a tax on all subjects of taxation within the corporation taxed by the State,

Nuisances.

and shall also have power to abate nuisances, and may impose such fines as may be necessary to abate them.

Application of taxes.

Sec. 11. That it shall be the duty of said commissioners to spend the money realized from the tax so levied and collected in the repairing of the streets and sidewalks, and keep them in

Road duty.

good, passable order, and shall also have power to exempt persons inside the corporation from working on the public roads.

Secretary.

Sec. 12. The commissioners, when organized shall have power to appoint a secretary, whose duty it shall be to record the pro-

Treasurer.

ceedings of the commissioners, and also to appoint a treasurer,

Bond of constable.

who shall enter into bond, if required by the commissioners, and it shall also be their duty to require the constable to enter into bond, payable to the State of North Carolina, in the sum of three hundred dollars, to be approved by the commissioners.

Constable to collect taxes.

Sec. 13. The town constable shall collect and pay over to the treasurer all taxes levied and imposed by the commissioners according to the list made out, all fines and costs when execution is issued to him for that purpose, and return the same to the

Further duties.

mayor's court. He shall see that the ordinances and regulations of the board of commissioners are enforced, and report all breaches thereof to the mayor, preserve the peace of the town

by suppressing disturbances, and apprehend offenders and take them before the mayor, and in the execution of such process may call to his aid such assistance as may be necessary. He shall have such compensation as the board of commissioners may deem just and allow. Compensation.

Sec. 14. The board of commissioners shall have power to make such special ordinances for the better government of the town and the protection of the health and prosperity of its citizens as may be expedient: *Provided*, the same is not in conflict with the Constitution of this State and the United States. It shall provide for and secure the peace, good order and tranquillity of the town against disturbances and quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace, by imposing such fines or imprisonment within the jurisdiction of the justice of the peace. Special ordinances. Proviso. Peace, good order and tranquillity.

Sec. 15. In case of any vacancy in the office of mayor or the board of commissioners, same shall be filled by the remaining members of the board. Vacancies.

Sec. 16. The mayor shall have no vote in the meetings of the board unless in case of tie, as chairman, he give a casting vote. Vote of mayor.

Sec. 17. That the mayor, before entering upon his duties, shall take the oath usually taken by such officer, and the constable, before entering upon the duties of his office, shall also take an oath to faithfully perform the duties of his office. Mayor and constable to qualify.

Sec. 18. That any money or moneys now in the hands of any person or persons who were formerly officers of said town of Gatesville shall be and are hereby required and requested to be paid over to the Treasurer of the Town of Gatesville, to be used for the purpose and objects hereinbefore set forth, and Q. H. Trotman is hereby appointed treasurer of the said town of Gatesville. Moneys to be paid over to town. Treasurer named.

Sec. 19. All laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

Sec. 20. This act shall be in force from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 355.

AN ACT TO ALLOW THE TOWN OF LINCOLNTON TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the Board of Aldermen of the Town of Lincolnton be and it is hereby authorized and empowered to issue bonds in the name of The Town of Lincolnton, in such denominations and form as it may determine, to an amount not exceeding thirty-five thousand dollars ($35,000) payable at such times and places as the board of aldermen may prescribe: *Provided*, that the time of payment of such bonds shall be not less than thirty and not more than forty years from their date.

Amount.

Maturity.

Interest.

Sec. 2. That the said bonds shall bear interest at no greater rate than five per centum per annum, and that the interest shall be made payable annually or semi-annually, as the board of aldermen may prescribe, and the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.

Not to be sold below par.

Authentication.

Sec. 3. That said bonds shall be signed by the mayor, attested by the town treasurer and sealed with the corporate seal of the said town, and shall have interest coupons attached, which said bonds and their coupons shall be exempt from town taxation until after they become due, and the coupons shall be receivable in payment of town taxes.

Special tax.

Sec. 4. That the Mayor and Board of Aldermen of the Town of Lincolnton, upon the issuing of said bonds, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation, under the charter of said town, observing at all times the constitutional equation between the poll and property, sufficient to meet the interest on said bonds as the same accumulates, and pay the principal thereof when it shall become due and payable; and such taxes shall be fixed, levied and collected at the same time and in the same manner as other taxes of said town, and paid into the hands of the treasurer thereof, not to exceed the sum of thirty-five cents on each one hundred dollars' valuation of property, and one dollar and five cents on each taxable poll. That the proceeds arising from the collection of such taxes shall be a separate fund in the hands of the treasurer for the purposes above stated, and no other.

Tax limit.

Separate fund.

Sinking fund.

Sec. 5. That the taxes herein provided for, in excess of the amount necessary to meet the interest coupons on said bonds, shall be set aside as a sinking fund with which to pay off said bonds at maturity, and may be loaned at interest by the board of aldermen until such time as same can be used in the payment of said bonds, and the interest arising therefrom shall be credited to such fund.

Investment of sinking fund.

Sec. 6. That the proceeds arising from the sale of said bonds shall be used for the following purposes and no other, viz.: Appropriation of proceeds.

(a) For the purpose of extending the present municipal water-works system of said town by laying and installing additional water mains and hydrants. Water-works.

(b) For the purpose of building, installing and constructing a sewer system for the citizens of said town. Sewer system.

(c) For the purpose of installing and equipping an electric light plant for lighting said town, and to furnish lights to its citizens, and charge therefor: *Provided*, in lieu of installing and equipping said electric light plant, the board of aldermen in its discretion may and authority is hereby granted it to contract for such lights, and grant a franchise for same upon such terms as said board of aldermen may deem for the best interest of the town, for a period not exceeding five years, with the right and authority at the expiration of said five years to continue said contract or to make or enter into a new contract for an additional period of five years, and to pledge the credit of said town for the payment of the contract price therefor. Light plant. Proviso: contract for lights.

Sec. 7. That nothing in this act shall be construed as requiring the purchaser or purchasers of any of said bonds to see that the purchase money paid for such bonds is applied for the purposes prescribed in this act. Obligation of purchasers.

Sec. 8. It is the purpose and intent of this act, and authority is hereby granted the Board of Aldermen of the Town of Lincolnton, to issue the bonds hereinbefore mentioned without submitting such question to a vote of the qualified voters of said town, and any laws or clauses of laws in conflict with this right, and requiring the submission of same to the qualified voters of said town, be and the same are hereby abrogated and repealed. No election required.

Sec. 9. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 356.

AN ACT TO AUTHORIZE JOHN A. EXUM TO COLLECT ARREARS OF TAXES ON THE TAX LIST OF THE TOWN OF SNOW HILL, GREENE COUNTY, FOR CERTAIN YEARS.

The General Assembly of North Carolina do enact:

Section 1. That John A. Exum, of Snow Hill, in Greene County, be and he is hereby authorized and empowered to collect the arrears of taxes on the tax list of said town of Snow Hill for the year one thousand nine hundred and one (1901) and the year one thousand nine hundred and two (1902), and he is hereby appointed a tax collector for that purpose. Collection of arrears authorized.

Bond to be given.

Sec. 2. That before entering upon the duties of the said position, the said John A. Exum shall execute a bond with sureties conditioned for the faithful discharge of said duties, which bond shall be payable to the State of North Carolina for the use and benefit of said town, in such sum as the board of commissioners of said town shall adjudge to be sufficient, but not exceeding four hundred dollars; said bond to be justified before and approved by the mayor of said town.

Powers as tax collector.

Sec. 3. That the said tax collector shall have all the powers as to the collection of the said taxes in said town that are given by law to the county tax collectors in their several counties, and his procedure in his said duties shall be the same as that of county tax collectors as far as the same may be assimilated and made applicable.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 357.

AN ACT TO AUTHORIZE THE TOWN OF APEX, IN THE COUNTY OF WAKE, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. The Board of Commissioners of the Town of Apex is hereby authorized and empowered, in the name of the Town of Apex, to issue bonds in such denominations and form as it

Amount.

may determine, to an amount not to exceed thirty thousand

Maturity.

dollars, payable at such time or times and at such place or places

Proviso: time limit.

as the board of commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty

Bonds classified.

years from their date; and the board of commissioners may divide said bonds into classes as it may determine best, and have them mature at different convenient dates between the limits

Proviso: vote on part of issue.

aforesaid: *Provided*, that in calling the election as hereinafter provided, the board of commissioners may submit to the qualified voters of said town, on the question of the issue of the entire thirty thousand dollars bonds, any part of said issue of bonds authorized in this act for any one or more of the purposes authorized in this act at any time, and from time to time, as it sees fit, and thereafter again may call an election and submit to the qualified voters of said town any part of said issue of bonds authorized in this act for any other purpose or purposes authorized in this act until the whole of said thirty thousand dollars authorized bonds have been issued.

Sec. 2. That the said bonds shall bear interest from their date at a rate not to exceed six per centum per annum, to be fixed by the board of commissioners of said town of Apex, which interest shall be payable annually or semi-annually, on such days as are fixed by said board; and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. The said bonds shall be signed by the mayor, attested by the secretary of the board of commissioners, and sealed with the corporate seal of said town of Apex, and shall have attached interest coupons, which coupons may be received in payment of town taxes. That said bonds and coupons shall be numbered and a record kept of the same. That the said bonds and coupons shall not be subject to taxation by the town of Apex. The Board of Commissioners of the Town of Apex is hereby authorized to sell or cause to be sold the said bonds or any of them at public or private sales, and all moneys arising from such sale or sales shall be paid over to the treasurer of said town, and the said treasurer and the sureties on his official bond shall be liable for said money to the same extent as for moneys belonging to said town which come into his hands; and the board of commissioners may at any time require the bond of the treasurer to be increased so as to secure such amounts as may come into his hands from time to time: *Provided*, that the said treasurer shall not receive any compensation for the receipts of said moneys, and not exceeding one per centum for the disbursements of the same.

Interest.

Not to be sold below par.

Authentication.

Record.

Sale of bonds.

Treasurer liable.

Bond of treasurer.

Proviso: compensation of treasurer.

Sec. 3. That the Mayor and Board of Commissioners of the Town of Apex, upon the issuing of said bonds, shall be authorized and empowered, and are hereby authorized and empowered, to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of the said town and under the laws of the State of North Carolina, observing at all times the constitutional equation between the poll and property, sufficient to meet the interest on said bonds as the same may accumulate, and pay the principal thereof when the same shall become due and payable; and such taxes shall be collected in like manner as the other taxes of said town, and paid into the hands of the treasurer thereof for such purposes.

Special tax.

Sec. 4. That the moneys arising from the sale of such bonds, when paid over to the treasurer as aforesaid, shall be kept separate by him and shall be used for the following purposes: For the improvement of the streets and sidewalks of the said town, for the buying and installation of an electric lighting plant for lighting said town, for furnishing a water supply for said town, either through a system of artesian wells or otherwise, for establishing a system of sewerage for said town, or any one or more of said objects the board of commissioners may elect.

Separate fund.

Specific appropriation.

Contracts authorized.

That in the event of the installation of an electric lighting plant, artesian wells or other system of water supply, or the installation of a system of sewerage, the board of commissioners is authorized to make contracts with private individuals for the use of their private property, or to purchase the same in fee for the use of said town, and also to make contracts with private individuals, firms or corporations for the use of the same in their private property or otherwise, and the money so raised shall be credited to the funds of the said town of Apex for the general expenses of the same and for paying the principal and interest on the bonds hereinbefore provided for.

Bond issue to be voted on.

Sec. 5. That before any of the bonds herein provided for shall be issued or the taxes levied, the question of issuing and levying the same shall first be submitted to the qualified voters of

Notice of election.

said town, after thirty days' notice in some newspaper published in said town or the county of Wake at an election to be held under the same rules and regulations as are now provided by law for the election of the mayor and board of commissioners of said town. Such notice shall set forth the object or objects for which said bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be

Ballots.

levied to pay the same. All qualified voters in favor of the issuing of such bonds and the levying of the necessary tax to pay the same shall vote a ticket on which shall be written or printed the words "For Bond Issue," and those disapproving the same shall deposit a like ballot on which shall be written or

Effect of election.

printed the words "Against Bond Issue." If at such election a majority of the qualified voters shall vote "For Bond Issue," then the board of commissioners shall issue the bonds provided for in such notice, and shall levy and order the collection of

Successive election.

the taxes herein named and authorized by this act. If a majority fail to vote "For Bond Issue," then the board of commissioners may again submit the question at such future time as it may elect, under the same rules and regulations as already prescribed.

Certificate of result.

Sec. 6. That the result of said election shall be certified by the officers holding the same to the board of commissioners of said town at such time as it may designate, and the board of commissioners of said town shall at such time verify the same and declare the result and cause the same to be recorded in its minutes, and after thirty days after such recording in the said minutes such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein certified.

Obligation of purchaser.

Sec. 7. That nothing in this act is to be construed so as to require the purchaser or purchasers of any of said bonds to see that the purchase money paid for such bonds is applied to the purposes prescribed in this act.

Sec. 8. The taxes levied and collected to create a sinking fund with which to pay off the bonds as the same accumulate from time to time, may be loaned out under the supervision and by the direction of the board of commissioners of said town until such time as the same can be paid in cancellation of such bonds, and the interest received for said money shall be applied and credited to such sinking fund. Investment of sinking fund.

Sec. 9. The board of town commissioners shall appoint a committee of three citizens of the town of Apex annually to audit the accounts of the Treasurer of the Town of Apex. The correctness of such statement shall be attested by no less than two members of said committee; and a full itemized statement of all receipts and disbursements shall be published in a paper published in the said town of Apex, or in the absence of such a paper, posted in three public places in said town, within fifteen days after the same has been audited; and said treasurer shall be subject to a fine of twenty-five dollars for failure to publish said statement as above set forth. Committee of audit. Statements published. Penalty for failure.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 358.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GRIFTON, AND TO AMEND THE CHARTER OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the town of Grifton be and the same are hereby enlarged and extended so as to be included and embraced in the following boundaries, viz.: Beginning at a stake near the public road leading from Kinston and running south fifty-five and one-fourth degrees east one hundred and four-fifths poles to a stake, thence north eighty degrees east one hundred and fifty-four and three-fifths poles to a stake; thence a straight line to and across Moccasin River nineteen and one-fifth poles to a stake near the river bank; thence north thirty-four degrees east fifty-five and three-fifths poles to a stake; thence north ninety-five degrees east fifty-seven and one-third poles to a stake east of J. C. Gaskins' residence; thence north forty-five degrees west two hundred and twelve poles to a stake in the McCotter heirs' line in front of Joel Patrick's residence; thence with the said McCotter line south forty and three-fourths degrees west to Moccasin River; thence with said Moccasin River Corporate boundaries.

to the line of incorporation made by act of the General Assembly of one thousand eight hundred and ninety-five; thence with said line south forty-four and one-eighth degrees west to the beginning.

Liquor license increased.

Sec. 2. That section one of an act ratified the eleventh of February, one thousand nine hundred and one, to amend the charter of the town of Grifton, be amended by striking out "one hundred," and inserting in lieu thereof "not less than five hundred dollars and not to exceed one thousand dollars."

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 359.

AN ACT TO INCORPORATE THE GREENSBORO, SEABOARD AND GREAT WESTERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That M. W. Thompson, C. H. Ireland, R. H. Brooks, C. M. Vanstory, J. W. Fry, A. M. Scales, C. A. Bray, J. E. Brooks, J. Allen Holt, R. G. Vaughn, J. R. Gordon, W. E. Allen, J. R. Hughes and C. D. Benbow, their associates and successors be and they are hereby constituted a body politic and corporate by the

Corporate name.

name and style of the Greensboro, Seaboard and Great Western

Corporate powers.

Railroad Company, and by that name may sue and be sued, plead and be impleaded in any court, and make by-laws not inconsistent with the laws of the State, and appoint all necessary officers and prescribe their duties; and may accept, purchase, hold and convey any property, either real or personal, and make contracts, have and use a common seal, and do all other lawful acts properly incident to and connected with said corporation and necessary for the control and transaction of its business.

To construct, maintain and operate railroad.

Sec. 2. That said corporation be and is hereby authorized and empowered to construct, maintain and operate a railroad from

Termini and route.

Greensboro, North Carolina, to some point on the Norfolk and Western Railroad between Madison, North Carolina, and Winston, North Carolina, or at Winston-Salem, or from Greensboro, North Carolina, to some point on the Seaboard Air Line Railroad between Hamlet, North Carolina, and Raleigh, North Carolina, or from Greensboro, North Carolina, to some point on the Atlantic Coast Line Railroad between Selma, North Carolina, and Pembroke, North Carolina, or to any or all three of said points.

Capital stock.

Sec. 3. That the authorized capital stock of said company shall consist of one hundred and twenty-five thousand dollars ($125,000), divided into shares of the par value of one hundred dollars ($100) each, but the company may organize and begin business when five thousand dollars ($5,000) of the capital stock has been subscribed for, and the said company may issue fifty per cent. of its entire stock as preferred stock upon such terms and conditions as the directors may determine.

Organization.

Sec. 4. That the corporators herein named, or a majority of them, may at any time within five years organize said company and may elect such officers and directors as may be fixed by the by-laws.

Books of subscription.

Sec. 5. That for the purpose of raising the capital stock of the said company it shall be lawful for said incorporators or a majority of them to open books of subscription at such times and places and under the direction of such persons and on such conditions as to them may seem to be expedient, and the said company shall have power to sell, lease or mortgage its property and franchises, and to issue bonds on such terms and conditions for the uses and purposes of said corporation as said company may deem necessary.

Power to sell, lease or mortgage.

To issue bonds.

Subscriptions by municipal corporations.

Sec. 6. It shall be lawful for any county, township, town or city into, by, through or near which the line of said railroad may run or contemplate running, to subscribe to the capital stock of said railroad company in such sum or sums and at such time or times as may be agreed upon between said company and such municipality respectively, and to issue bonds in such denominations and at such a rate of interest not exceeding six (6) per cent. per annum and running for such time as the authorities of such county, township, town or city may deem advisable, and to levy and collect the necessary taxes to pay the same and the interest thereon.

Bonds for subscription.

Elections for subscription.

Sec. 7. In case of subscription to the capital stock of said railroad company by any county, township, town or city, the question of such subscription, the amount, rate of interest and time of term of any bonds proposed to be issued, amount and levy of and collection of taxes to pay same, must first be submitted to the qualified voters of such county, township, town or city proposing to make such subscription, after advertising such election, the time held and purposes and conditions thereof thirty days in such county, township, town or city. If the subscription is proposed by a county or township, the election must be ordered by the board of commissioners of such county and held as provided by law for special elections. If the subscription is proposed to be made by a city or town, question shall be submitted to the qualified voters of such city or town under the law provided in such cases by the authorities of such city or

Notice of election.

Procedure for ordering elections.

Law governing elections. Result of election.

town. The election in all such cases shall be in accordance with the law of this State for holding special elections. If upon examination it is found that a majority of the qualified votes of such county, township, city or town have been cast in favor of such subscription, the governing body of such county or city or township shall make the subscription, issue the bonds and levy and collect the taxes for the payment of same in accordance with the terms approved by the voters. In all such elections those favoring the subscription, the issuing of bonds and the levying of taxes shall vote a ballot on which are written or printed, or partly written and partly printed, the words "For Subscription"; and those against the same shall vote a ballot on which are written or printed, or partly written and partly printed, the words "Against Subscription."

Ballots.

Rights of condemnation.

Sec. 8. The said railroad company shall have every right, privilege and power necessary and convenient for acquiring by gift, purchase or condemnation proceedings such land or right-of-way as it may need for the location and construction of said railroad, and for the erection and location of depots, station-houses and other necessary establishments, or for extending or altering the same.

Powers under general law.

Sec. 9. That the said corporation shall have all the powers conferred by law upon railroad companies, and shall have the power to condemn any lands, easements, rights-of-way or other property as is provided by law.

Time to begin construction.

Sec. 10. That the said company may begin the construction and operation of said railroad at any place or places along its route, and may have five years from the ratification of this act in which to begin the construction of said railroad.

Branch roads.

Sec. 11. That said company shall be authorized and empowered to construct branch roads not exceeding thirty miles in length, and for this purpose shall have all the rights and privileges of this act conferred by law.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 360.

AN ACT TO INCORPORATE THE MATTAMUSKEET RAILWAY COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That S. S. Mann, G. Brinn, R. D. Harris, A. Berry, M. Makely, Robert Jennette, T. H. Jennette, H. B. Credle, S. A. Windley, J. G. Young, Eugene Windley, William Swindell, G. I. Watson, W. S. Dudley, L. H. Mann, T. J. Mann, E. L. Gibbs, C. E. Mann, B. B. Sanderson, A. S. Gibbs, W. P. Burrus, C. W. Davis, George E. Davis, I. B. Watson, Otis Fulford, Closs Gibbs, Joseph Baum, Sr., H. C. Carter, T. H. B. Gibbs, J. A. Mann, Tom Jones, R. H. Cartwright, P. H. Simmons, W. C. Davis, James Burrus, Preston Carter, and such other person or persons as may be associated with them, their successors and assigns, are hereby created a body corporate under the name of The Mattamuskeet Railway Company, for the purposes hereinafter described, and under the aforesaid name and style shall have perpetual succession, and shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether in law or equity; and may make and have a common seal, and alter, renew or break the same at pleasure; and shall have, possess and enjoy all rights and privileges of a corporation or body politic under the general law, and also the rights, privileges and franchises herein given.

Corporate name.

Corporate powers.

To construct, maintain and operate railroad.

Termini and route.

Branch lines.

Further enumeration of powers.

Sec. 2. That said company shall have, and it is hereby given the right and power to locate, construct, equip, maintain and operate by steam power or electric power a railroad, or any part thereof, upon one or more tracks, standard gauge or otherwise, from some point on Pamlico Sound, in Hyde County, North Carolina, through the counties of Hyde, Tyrrell, Beaufort and Washington, by way of Fairfield or its vicinity, or through any one or more of said counties, to or near Plymouth, in Washington County, North Carolina; and it may also construct, maintain and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion and operation of such railroad. And for these purposes it shall have the power to construct dams, culverts, trestles and bridges over and across streams, valleys and depressions; and it shall have the right to cross any navigable stream on its route; it shall have the right to cross at grade or over or under, to intersect, join or unite its railway with any other railway now constructed or that may be hereafter constructed in the State, upon the ground of such other companies at any point on its route, and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the

objects of its construction; and may, in making any intersection or connection with another road, have all the rights, powers and privileges conferred upon railroads by chapter sixty-one of Revisal of one thousand nine hundred and five, or any act of Assembly amendatory thereof. Said company shall also have the right to locate such station or stations along its railroad and arrange such schedule or schedules for the running of its passenger or freight cars or trains as it may think proper. For the construction of the railway provided by this act the company shall have, for the purpose of acquiring lands, easements or rights-of-way, all the rights, powers and authorities given to railroads under chapter sixty-one of Revisal of one thousand nine hundred and five of North Carolina, or any act of Assembly amendatory thereof, as fully as if the provisions of said chapter were incorporated in this act.

Right to carry passengers and freight.

Sec. 3. Said company, its successors or assigns shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches, at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish; and it shall have the right to transport all manner of goods, United States mail or other property, and make and collect charges therefor; and to make, fix, charge and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Right to use roads and streets.

Sec. 4. Said company shall have the right and authority to use any public road or highway or street for the construction or operation of its railroad, cars, poles, lines or other equipment, under such reasonable regulations as the authorities controlling said roads, highways or streets respectively shall, upon application from the company, prescribe.

Capital stock.

Sec. 5. The capital stock of the said railway company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by the votes of the shareholders to an amount not exceeding three millions of dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him, such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in sections one thousand two hundred and thirty-two and one thousand two hundred and thirty-five of chapter twenty-one of Revisal of one thousand nine hundred and five for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and ten thousand dollars shall be the minimum subscription on which said company may be organized. The company may receive cash, labor, material, bonds, stock contracts, real or personal property

Proviso: increase of capital.

Stock vote.

Payment of subscription.

in payment of subscriptions to its capital stock. A majority of the corporators hereinbefore named, or such of them as shall be subscribers, may organize the said company by electing a board of directors and providing for the election or appointment of such other officers by said board of directors as may be necessary for the control and management of the business and affairs of said company; and thereupon they shall have and exercise all the powers and functions of a corporation under this charter and the laws of this State. No subscriber shall be individually liable for the debts of the company. Organization. Liability of subscribers.

Sec. 6. It shall be lawful for the said company to borrow money, and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper, for any of the purposes of the company, and may secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its property, real, personal or mixed; also, on all its franchises, contracts, rights and privileges of every kind; and it may also, as the business of the company shall require, sell, lease or in any manner convey and encumber the same, or any part thereof. To borrow money and issue bonds.

Sec. 7. The said company may connect or unite its lines with those of any other railway company or companies, or consolidate and merge its stock, property and franchises with and into those of any other company or companies incorporated under the laws of this State, or any other State in the United States, operating or authorized to operate railway lines, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all its property, real, personal or mixed, its contracts and privileges and its charter rights and franchises, to any such other company or companies; and full power and authority are hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, leases, sales, mergers and changes of name. Rights in connection with other roads. Consolidation and merger.

Sec. 8. The board of directors shall, as soon as it deems it practicable, proceed to locate the works of said company, and may have one or more locations from time to time as it may deem expedient, and the construction of some of the said work shall be begun within five years after the ratification of this act. Location of works. Beginning of work.

Sec. 9. That the principal office of said company shall be located at Swan Quarter, North Carolina, and such branch offices as may be desirable for the purpose of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe. But by consent of the board of directors the principal office may be removed to any place within the State most expedient to the management of its works. Principal office. Branch offices. Removal of office.

Power to condemn lands.

Sec. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall go for the purchase of the land for the right-of-way and depot purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five and amendments

Procedure.

thereto, or may file a petition before the Clerk of the Superior Court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plot thereof. The Clerk of the Superior Court shall thereupon issue a summons or notice to the owner, returnable on a day certain after ten days' notice, and, after a hearing, shall, if not sufficient cause is shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and after being duly sworn, assess the damage of the land or right-of-way taken. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto, but general benefits pertaining to the public shall not be considered in reduction of damages. If the petition shall pray for a condemnation of the right-of-way only, the consideration or damages allowed shall be for the said easement only; but if for depot or building purposes, the consideration or damages shall be for the fee. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed.

Appeal.

Either party may appeal to the Superior Court, in term-time, from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk.

Limit on power of condemnation.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of its road-bed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and warehouses it may condemn not exceeding ten acres in any one place; and in all cases where land or rights-of-way have been condemned and where the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in cases of legal disabilities, and in such cases within two years from the removal of such disabilities.

Construction and operation of part of line.

Sec. 12. A part of the railway line of said company may be constructed without completing its entire line, and the said part

may be operated, and charges may be collected therefor, notwithstanding the entire line of the company has not been completed.

By-laws, rules and regulations.

Sec. 13. The stockholders of said company, or board of directors, under a resolution of the stockholders, may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such times and places as the stockholders and board of directors may respectively prescribe.

Meetings of stockholders and directors.

Election of directors.

Sec. 14. The board of directors shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of its election, and until its successors are elected and qualified; and it shall choose from among its number a president, vice-president, secretary and treasurer, but one or more of said offices may be held by the same person. In case of death, resignation or incapacity of any officer or member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

Term of office.

President and other officers.

Vacancies.

Act regarded as public act.

Copy of by-laws and regulations evidence.

Sec. 15. This act shall be deemed and taken to be a public act, and a copy of any by-laws and regulations of said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

Steamboats and other vessels.

Sec. 16. The said company shall have the right to construct, acquire, own and operate steamboats, gas boats, sailing vessels or other boats for the transportation of passengers and freight over any of the navigable waters of this State, subject only to the general laws regulating such traffic.

Bond issue authorized.

Sec. 17. It shall be lawful for the said company chartered by this act to issue coupon bonds in such denomination, and running for such a time, and bearing interest at such a rate, and payable at such a time and place as the board of directors may direct, to be sold or hypothecated by the directors of said company; and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Hyde County, and upon registration in said county it shall be a lien on such property and franchises conveyed in such mortgage

Mortgage.

Registration of mortgage.

as fully and completely as if the same were registered in each and every county through which the road passes.

Convicts to be furnished for work on railroad.

Sec. 18. That the board of directors of the penitentiary shall, on application of the president of said company, approved by the Governor, turn over to said company convicts not otherwise appropriated, not less than fifty nor more than one hundred in number, to be worked in the construction of said road. The said convicts shall be officered and worked by the State's Prison in the same manner as are other convicts used in contract work. They shall be furnished by the prison with quarters, tools and implements with which to work on said railway, and shall be fed, clothed and maintained by the State's Prison until the grading of said railway shall have been completed; the payment of such expenses to be made out of funds appropriated for the support of the penitentiary or out of moneys or assets otherwise coming or belonging to or standing to the credit of said North Carolina State's Prison, and at prices commensurate with the value of said labor; and whenever and as often as so much as one thousand dollars shall have been expended by the said board of directors of the said State's Prison under the provisions of this act, it shall be entitled to demand and receive, and said company shall issue and deliver to the said board of directors a certificate for ten shares of the capital stock of said company of the par value of one hundred dollars each, made out in the name of the State of North Carolina, which shall become thereby a stockholder in said company to the extent of such shares, and shall be entitled to participate in the profits of said company *pro rata* with other stockholders, and to be represented and to vote its shares in all meetings of the stockholders, in the same manner as other stockholders may be entitled to vote, through a proxy to be named or appointed by the Governor of the State of North Carolina: *Provided*, that if at the completion of the said road a fractional part of one thousand dollars shall have been expended by the said directors of the State's Prison after the issue of the last certificate for ten shares of stock, a corresponding amount of said capital stock at its par value shall be issued and delivered as aforesaid: *Provided further*, that upon delivery of said certificates of stock, so issued, to the State Treasurer, credit shall be given to the said board of directors of the North Carolina State's Prison upon the books of the said State Treasurer for the par value of the shares of stock represented by such certificates.

Payment of expenses.

Payment for convict labor.

Stock issued to State.

Rights of State as stockholder.

Proviso.

Proviso: credit to State's Prison for work.

Sec. 19. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 20. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 361.

AN ACT FOR THE RELIEF OF WILL D. PETERSON, A PUBLIC SCHOOL TEACHER OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the County Treasurer of Yancey County is hereby authorized, directed and empowered to pay Will D. Peterson the sum of fourteen dollars and five cents out of the general school fund due District Number One, in Jack's Creek Township, out of the taxes or funds due said district for the year one thousand nine hundred and six. Appropriation.

Sec. 2. That said sum shall not be paid until an order for such sum is duly signed by the committee of said district and countersigned by the superintendent of public instruction for said county. Order for payment.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1907.

CHAPTER 362.

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF ESSEX, HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Essex, in the county of Halifax, be and the same is hereby repealed, and that the act incorporating the same be and the same is hereby repealed. Charter repealed.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 363.

AN ACT TO INCORPORATE THE LAURINBURG CEMETERY COMPANY.

Preamble.

Whereas, it is desirable to have public burying grounds in the town of Laurinburg subject to such laws, rules and regulations as will insure to the living the continued protection of the remains of their dead, and the decent preservation of the grounds by securing them in perpetuity to the object of their dedication; and whereas, several citizens of Laurinburg are desirous of purchasing a tract of land for the purpose of establishing a public cemetery, and for the reasons above stated wish an act of incorporation: therefore,

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Peter McRae, J. F. McNair, A. L. James, T. J. Gill, R. R. Covington, H. W. Malloy, R. E. Lee, W. H. Neal, J. P. McRae, K. A. Blue, W. R. McEachin, F. L. Bundy, W. D. McLaurin and D. M. Prince, and their successors be and they are

Corporate name.

hereby created a body politic and corporate by the name and title of the Laurinburg Cemetery Company, and by that name

Corporate powers.

shall have perpetual succession, and shall be able and liable to sue and be sued in any court of law or equity, may have and use

Power to hold property.

a common seal, shall have power to purchase and hold not exceeding one hundred acres of land with authority to said corporation to take gifts, devices and bequests for the purpose of improving and ornamenting said cemetery, and to purchase and hold such personal property as may be requisite to carry into full effect the objects of this act.

President and directors. Elections.

Sec. 2. That the affairs of said corporation shall be managed by a president and six directors, who shall be annually elected by the lot owners of said corporation on the second Monday in January in each and every year, and in all elections held under this

Vacancies.

act each land [lot] owner shall be entitled to one vote. The said president and directors shall have power to fill all vacancies in

Powers of president and directors.

their own body, and shall have power to lay out and ornament the grounds, to lay out and sell and dispose of burial lots, to appoint all necessary officers and agents and fix their several duties and compensation, and to make such by-laws, rules and regulations as they may deem proper for the government of lot owners and visitors to the cemetery.

Contracts with lot owners.

Sec. 3. That the president and directors shall have the power and authority to enter into contracts with owners of lots in said cemetery for the perpetual care of the lots of said owners, respectively, in consideration of each of them paying a certain sum

of money for that purpose; and such payments shall constitute a fund to be held by said corporation separate and apart from its general funds, and designated the Perpetual Agreement Fund, for the sole purpose of insuring the performance of contracts made with said lot owners, and the income derived from said Perpetual Agreement Fund shall be applied to keeping their lots in good order. It shall be the duty of the president and directors, as soon as possible, to appoint and constitute three persons as trustees for the said Perpetual Agreement Fund, who shall be selected from the lot owners aforesaid, which said persons so appointed and their successors in said trust are hereby constituted and declared to be perpetual trustees of said fund upon the trust, and for the purposes hereinafter declared: *Provided*, that the president and directors of said corporation shall have power, and it shall be their duty, to fill all vacancies among said trustees occasioned by the death, resignation, refusal or inability to serve of any of said trustees, to declare vacant the office of any trustee who shall fail to accept or to act after being appointed as such trustee, and to appoint another person as trustee in his stead.

Perpetual agreement fund.

Trustees of fund.

Proviso: vacancies.

Sec. 4. That as soon as said trustees shall be appointed, as provided in the foregoing section of this act, and signify their acceptance of said trust, the president and directors shall convey, transfer, deliver and pay over to said trustees all bonds, stocks, notes or other securities, and all sums of money, as the same shall be received, from the lot owners under the contracts that may be made by said corporation with them for the perpetual care of their lots. And the said trustees shall take charge of and carefully hold, keep and preserve the same, and shall invest all sums of money so paid to them as aforesaid, in their discretion, and may change any investments whenever in their discretion deemed advisable for the benefit or security of said fund. And no part of the principal of the said fund shall otherwise be used or expended, but shall be and remain a perpetual fund in the hands of said trustees and their successors for the purpose of insuring the performance by said corporation of all contracts made by said corporation with the lot owners for the perpetual care of their lots, and shall not be liable in any manner for the debts or obligations of said corporation or of said trustees. The income derived from the said fund shall be paid over by said trustees to the treasurer of said corporation as the same shall be received by the said trustees, and shall be used, applied and expended by said corporation under the direction of the president and directors solely and exclusively for the purpose of defraying the expenses incurred in keeping in good order the lots of the lot owners who shall have contracts with said corporation for the perpetual care of said lots, according to the terms of said contracts. And said

Fund transferred to trustees.

Investments of fund.

Principal of fund.

Income of fund.

Report of trustees.

trustees shall annually report to the president and directors of said corporation all their acts and doings in regard to said fund, and render proper accounts of the same, and said president and directors may at any time in their discretion call for the same.

Streets, roads, etc.

Sec. 5. That no streets, lanes, alleys, roads or canals of any sort shall be opened through the lands of said corporation exclusively used or appropriated to the purposes of a cemetery, unless assented to by the president and directors of said company: *Provided, however*, that nothing herein contained shall authorize said corporation to obstruct any public road or street or lane or alley now actually opened and used as such.

Acts declared misdemeanors.

Sec. 6. That any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in said cemetery, or any fence, railing or work for the protection or ornamentation of said cemetery, or any tomb, monument, gravestone or other structure thereon, or shall willfully destroy, cut, break or remove any tree, shrub or plant within the limits of said cemetery, or shall shoot or discharge any fire-arms within the limits of said cemetery, shall be considered

Punishment.

guilty of a misdemeanor, and on conviction thereof before any justice of the peace of Scotland County, shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for such

Forfeiture.

offense, and such person shall also forfeit and pay to said corporation, to be sued for and recovered in civil action, double the amount of the damages sustained by any such injury.

Burial lots exempt from sale.

Sec. 7. That burial lots in said cemetery shall not be subject to sale under execution for the debts of the lot holders thereof,

Exemptions from taxation.

and the land of the company dedicated to the purposes of a cemetery shall not be subject to taxation of any kind.

Fund for maintenance.

Sec. 8. That it shall be lawful for the said company from time to time to set apart out of the proceeds of the sale of lots and burial fees such sums as the president and directors may deem judicious, and invest the same in some safe and productive fund, and from time to time re-invest such sums and the interest accruing on the same until the gross sum so invested shall form a principal sum of ten thousand dollars, and the interest thereafter accruing on such principal sum shall be devoted exclusively to the maintenance of said cemetery in good order.

Election of president and directors.

Sec. 9. That until an election shall be held under the provisions of this act, the persons hereinbefore named shall elect from among themselves a president and six directors of the said corporation; and in case of failure hereafter to make an election of president and directors at the time designated by the previous provisions of this act, the president and directors last elected shall continue in office until an election shall be held, in accord-

ance with the provisions of such by-laws on the subject of such elections as may be made under the said previous provisions of this act.

Sec. 10. That this act shall be in force from and after the ratification thereof.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 364.

AN ACT TO ELECT A TAX COLLECTOR FOR SCHOOL DISTRICT NO. 5, HUNTING QUARTERS TOWNSHIP, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That J. M. Robinson be and he is hereby elected tax collector for School District Number Five, Hunting Quarters Township, Carteret County, from and after June thirtieth, one thousand nine hundred and seven, till his successor shall be duly elected and qualified. Tax collector named. Term of office.

Sec. 2. That the duties heretofore devolving on the sheriff in collecting the local special school taxes in said district shall, after June thirtieth, one thousand nine hundred and seven, devolve on the tax collector of said district, and the tax collector shall have and exercise all the powers now had or exercised by the sheriff in enforcing the collection of such taxes, including the power to sell real estate and make title thereto. Duties and powers.

Sec. 3. That the tax collector shall act as treasurer of said district as to the special taxes for school purposes, and shall be allowed as compensation for collecting and disbursing the taxes five per cent. of the amount collected by him, in addition to such fees as would be allowed by law to the sheriff for advertising and selling property. To act as treasurer. Compensation.

Sec. 4. At each biennial regular election a tax collector shall be elected, who shall hold office for two years from and after the succeeding first Monday in December. Election of tax collector.

Sec. 5. That the tax collector shall give bond in such sum as the Commissioners of Carteret County shall from time to time prescribe. Bond.

Sec. 6. That all vacancies in the office shall be filled by the Commissioners of Carteret County. Vacancies.

Sec. 7. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 365.

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Appointment of officers and employees.

Section 1. That section thirty-five, chapter two hundred and thirty-five of the Private Laws of one thousand eight hundred and ninety-nine be amended as follows: By inserting after the word "constables," in line nine thereof the words "and such other officers and employees as the board of aldermen may determine, and prescribe their duties and fix their compensation."

Sec. 2. That section thirty-four, chapter two hundred and thirty-five of the Private Laws of one thousand eight hundred and ninety-nine be amended as follows: By inserting after the word "boundaries," in line one hundred and twenty-two thereof the following: "no individual, corporation, association or partnership shall open or lay out any new street or streets, or sell lots abutting on the same, without first having had a plot of said proposed street or streets made and submitted to the board of aldermen of said city, and approved and accepted by said board. The said board of aldermen may pass all necessary ordinances to regulate and control the opening of streets and alleys in said city."

Plots of proposed streets.

Sec. 3. That section sixty-five, chapter two hundred and thirty-five of the Private Laws of one thousand eight hundred and ninety-nine be amended as follows: By inserting at the end thereof the following: "*Provided, however*, if the board of aldermen may determine to elect an assistant clerk and a bookkeeper for the city, said offices may be held by one and the same person: *Provided also*, that the board of aldermen may prescribe other duties for the chief of the fire department."

Proviso: assistant clerk and bookkeeper.

Proviso: chief of fire department.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 366.

AN ACT TO INCORPORATE THE CHARITABLE BROTHERHOOD.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That C. M. Little, J. M. Cotton, J. R. Hardison, W. S. D. Eborn, A. C. Widmer, W. A. Roberson, Smith Paul, R. C. Cherry, B. W. Bergeron, W. A. Congleton, H. E. Hodges, W. E. Pippin, R. D. Farrow, citizens of Beaufort County, North Caro-

lina, and their associates and successors are hereby incorporated a body politic and corporate.

Corporate name. Principal lodge. Local lodges. Constitution and by-laws. Objects of corporation.

Sec. 2. The name of the said corporation shall be the Charitable Brotherhood of North Carolina, and the principal lodge thereof shall be located at any point or place in the State of North Carolina as may be designated by delegates selected by the subordinate lodges; but the corporators, their associates and successors may extend the work of the said corporation to other counties in the State, and for the purpose of extension may establish local lodges of the Charitable Brotherhood and designated by such name as may be provided for in the constitution of said corporation; and all of such local lodges of the brotherhood shall be under the general supervision and control of the principal lodge of the Charitable Brotherhood of North Carolina, wherever the principal lodge may be located in said State by delegates selected from subordinate lodges. That the said principal lodge of the Charitable Brotherhood shall adopt such constitution and by-laws as it may deem proper for the control, management and regulation of the affairs of the principal lodge and the local lodges of the said Charitable Brotherhood, and may change or modify the same from time to time as it may deem wise. The said Charitable Brotherhood shall be for benevolent and charitable purposes only, a closer union of citizens, that the members thereof may by contribution, by dues and initiation fees protect each other and themselves from the hardships of poverty, oppression and misfortune while living, provide for themselves a decent burial when dead, of their families, widows, widowers and orphans.

Stock and property.

Sec. 3. There shall be no shares or stocks in said Charitable Brotherhood, and said corporation shall not purchase or hold any property, except such as may be necessary for conducting the business of said Charitable Brotherhood, such as lodges for places of meeting, etc.

Officers. Election of officers.

Sec. 4. That the officers of the said Charitable Brotherhood for the principal lodge and for the local lodges shall be a president, a vice-president, a secretary and treasurer, a chaplain, a doorkeeper and assistant doorkeeper, a marshal, a lecturer and a sergeant-at-arms; all of which officers shall be elected at such times and hold their respective offices for such terms, and execute such bonds for the faithful performance of their duties and the safe keeping of the funds in his or their hands as may be provided in the constitution of the said Charitable Brotherhood.

Rights under general laws.

Sec. 5. That the said Charitable Brotherhood shall have all the powers and privileges given to benevolent associations incorporated under the general laws of North Carolina, sue and be sued, plead and be impleaded, and do all and every act requisite and

necessary for the purpose of carrying out the object for which the same is incorporated.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 367.

AN ACT TO AMEND CHAPTER 207 OF THE PRIVATE LAWS OF 1891, RELATIVE TO THE POWERS OF THE BOARD OF ALDERMEN OF THE TOWN OF BRYSON CITY.

The General Assembly of North Carolina do enact:

Power to regulate buildings.

Section 1. That for the improvement and better protection of property against fire in the town of Bryson City, the board of aldermen of said town shall have full power and authority to designate the class and character of all buildings that may hereafter be erected within the corporate limits of said town, and shall have full power and authority to prevent the erection of any building not in conformity with the rules laid down by it defining the character of buildings that may be erected in any of the different sections of said town.

Application for building permits.

Sec. 2. That before any building is commenced the owner shall apply to the board of aldermen of said town for a building permit, accompanying which application shall be a written statement describing the size of building, where to be located, the material to be used in construction of foundation, walls and roof,

Permits.

and purpose for which said building is to be used. If the specification so filed shall meet the requirements of said board of aldermen, a written permit, signed by the chairman of the board, shall be given authorizing the erection of such building, a copy of the specifications being attached to said permit; and the said board of aldermen shall have full power and authority to compel the building for which such permit is granted to be erected in accord-

Buildings to be inspected.

ance with the specifications. It shall further be the duty of said board of aldermen to inspect such building as soon as the same is completed, and ascertain if the same has been built in accordance with said specifications, and to order any defects in flues or construction remedied, and to compel a compliance with its orders by providing suitable penalties.

Building ordinance to be enacted.

Sec. 3. It shall be the duty of said board of aldermen to enact a building ordinance setting forth the character of buildings that will be permitted in the various sections of said town, and to make suitable regulations as to location and construction of the same, as it deems necessary and advisable.

Sec. 4. Said board of aldermen shall further have full power to condemn and order the removal of any building which after a careful examination it shall deem unsafe or especially dangerous in case of fire, or detrimental to the public interest. Said board of aldermen shall have full power and authority to remove or cause to be removed any building so condemned: *Provided*, the owner thereof fails or refuses to remove the same; and any building so condemned shall be paid for out of the town treasury, the value thereof to be ascertained by three disinterested freeholders of said town, who shall be summoned under the order of and sworn by the mayor, and who shall after viewing the premises assess the damage and report the same in writing to the board of aldermen, and any person not satisfied with the assessment of the damages as above provided may appeal to the board of aldermen, and from its decision to the Superior Court of Swain County.

Power to condemn buildings.

Buildings condemned to be removed.

Payment for condemned buildings. Valuation.

Sec. 5. Said board of aldermen shall have full power and authority to enact such ordinances for the purpose of carrying out the provisions of this act and to provide such penalties for the violating of the same as it may deem necessary.

Power to enact ordinances.

Sec. 6. That laws and clauses of laws in conflict with this act be and they are hereby repealed.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 368.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Matthews, being chapter sixty (60) of the Private Laws of one thousand eight hundred and seventy-nine (1879), as amended by chapter one hundred and twenty-one (121) of the Private Laws of one thousand eight hundred and eighty-three (1883) and any subsequent acts, be and the same is hereby further amended as follows, to-wit: That the commissioners of said town shall have all the powers, franchises, privileges and authority conferred upon the Board of Aldermen of the City of Charlotte by chapter three hundred and fifty-three (353) of the Private Acts of one thousand eight hundred and ninety-one (1891), as amended by chapter two hundred and thirty-six (236) of the Private Acts of one thousand eight hundred and ninety-three (1893).

Powers of commissioners.

Powers and general law.

Sec. 2. That the said commissioners and other officers of the said town shall have all the powers, rights, privileges, and franchises, and be subject to all the duties and obligations conferred and imposed upon municipal officers by chapter seventy-three (73) of the Revisal of one thousand nine hundred and five (1905), not inconsistent with the other provisions of the charter of said town.

Fire limits.

Sec. 3. That the commissioners of said town shall have the power and authority to create and establish fire limits in said town, within which no wooden or other combustible building or structure shall be erected or repaired, except in accordance with the ordinance of said town adopted or to be adopted by the said commissioners.

Sec. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 5. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 369.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MARION.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter two hundred and forty-seven of the Private Laws of one thousand nine hundred and three be amended by striking out all of lines one to ten inclusive at the top of page five hundred and sixty-five, and inserting in lieu

Boundary altered.

thereof the words "then north twenty-six degrees west with Johnson Street to Fern Avenue, then west with Fern Avenue to a stake," and by striking out the words "northeast corner of the D. E. Hudgins and Ed. Conly," in line twelve, and inserting in lieu thereof the words "southeast corner of the Colored Methodist Church."

Sec. 2. That section twenty-seven, chapter one hundred and eighty-three of the Private Laws of one thousand eight hundred

Tax limit.

and eighty-nine be amended by striking out the words "one dollar" in the ninth line from the top of page eight hundred and thirty-eight, and inserting in lieu thereof the words "three dollars," and by striking out the words "thirty-three and one-third cents" in the tenth line from the top of said page, and inserting in lieu thereof the words "one dollar."

Sec. 3. That the following be added to the end of said chapter one hundred and eighty-three of the Private Laws of one thousand eight hundred and eighty-nine, to-wit: "That the Board of Aldermen of the Town of Marion shall have and is hereby given full and complete authority to compel any and all persons and corporations living in said town to connect with the sewerage system of the said town; to compel any and all persons and corporations to use the water furnished by said town to its inhabitants; to condemn and remove any or all privies within the corporate limits of the town; and to enact all such ordinances and penalties as may be necessary to carry any part or all of this ordinance into effect." Power to compel connection with sewerage system and to use water.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 370.

AN ACT TO AMEND CHAPTER 324, PUBLIC LAWS OF 1901, RELATIVE TO SCHOOL DISTRICT NO. 3, IN CHADBOURN TOWNSHIP, COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter three hundred and twenty-four, Public Laws of one thousand nine hundred and one, be amended by striking out all after the word "with," in line four down to and including the word "farm," in line eight, and inserting in lieu thereof "north margin of the W. C. and A. Railroad to the Wolf public road; thence southwardly with the Wolf public road to Porter Swamp; thence with the run of Porter Swamp to James Tyler's west land line." Boundary changed.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 371.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BLACK MOUNTAIN.

The General Assembly of North Carolina do enact:

Procedure to condemn land for streets and street improvements.

Section 1. Whenever, in the opinion of the Board of Aldermen of the Town of Black Mountain, it is advisable to obtain land or right-of-way therein for the purpose of opening a new street therein, or widening or straightening a street therein, or making culverts or water-ways for carrying water out of any street therein, and said board of aldermen and the owner or owners of such land or right-of-way cannot agree as to the amount of damages consequent thereupon, as well as to the special advantage which may result to the owner or owners thereof by reason of such opening, widening or straightening of the street, or making of such culvert or water-way, said board of aldermen may direct the mayor of said town to issue, and he shall there-

Jury to be ordered.

upon issue his writ, under the seal of said town, commanding a policeman thereof to summon a jury of six freeholders of said town, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said proposed improvement, in which writ the proposed improvement shall be fully described, and the persons who are supposed to be affected thereby shall

Summons to jurymen.

be named. Such policeman shall in obedience to said writ summon a jury of six freeholders as aforesaid, and direct them to assemble at the mayor's office in said town at a time by such policeman appointed, not less than twenty nor more than thirty

Notice to persons affected.

days after the date of such writ. Such policeman shall also serve notice of the time of meeting of the jury upon all the persons who are named in such writ as supposed to be affected by such proposed improvement, at least fifteen days before the date appointed for the meeting of the jury. Such notice shall be in writing, and signed by said policeman, and addressed to the person or persons upon whom service thereof is made, and shall state the time appointed for such meeting of the jury, and designate briefly the proposed improvement, and may be issued as a single notice to all persons named in said writ, or as a separate notice to every one of them, or to any two or more of them.

Service of notice.

Such notice shall be served upon the person or persons therein named or his, her or their agent, by reading the same to him, her or them, and if any such person or his, her or their agent cannot be found in said town, the mayor of said town shall, upon affidavit thereof made and filed before him by such policeman,

Service of notice by publication.

direct such notice to be served by posting a copy of the same at the court-house door in said county of Buncombe for at least fifteen days immediately preceding the time appointed for the

meeting of such jury, and upon such direction of the mayor, it shall be the duty of such policeman to so post the same, and such posting shall upon the expiration of the time in such order designated be a sufficient service of such notice, and the party shall then be duly notified of such proceeding. Such policeman shall duly return such writ and all such notices with his return thereon in writing endorsed, together with any such order of the mayor to said board of aldermen, at its next meeting after the time appointed for the meeting of the jury aforesaid. At the time appointed for the meeting of the jury, such policeman, or in case of his inability to do so, another policeman of said town shall fill any vacancy which has occurred from any cause in the number of persons theretofore summoned as such jury, with other competent jurors, and shall cause the jury as then constituted to assemble at the office of the mayor of said town, where every one of the members shall be sworn by such mayor or other competent person to faithfully, truly and impartially assess the damages, if any, which in his judgment will be done to the property of every person named in the writ, and will also assess any special benefit, advantage or enhanced value which will be caused to the property of any person named in the writ. Immediately after the jury shall have been so sworn it shall proceed, accompanied by such policeman, to view the land of every person named in the writ, and shall assess the damages, if any, to every one of the premises which it has viewed, and the special benefit, advantage or enhanced value, if any, which will accrue by reason of said proposed improvement to every one of the premises which it has viewed. Said jury shall forthwith return to said board of aldermen, by filing it with the clerk thereof, a statement in writing, signed by every member of it, or a majority of the members, in case they cannot agree, setting forth distinctly a full itemized report of its proceedings, and stating separately the amounts of damages or special benefits, or both, as the case may be, which it has assessed to every one of the premises so viewed by it. The policeman in charge of said jury shall keep the members together until they shall have agreed on all matters submitted to them, as aforesaid, and have made and signed their report as aforesaid, or in case of their inability to so agree, or twenty-four hours from the time of their return from viewing said premises, to said office of the mayor, to which they shall so return in every case immediately for deliberation, and until they have signed a report, as hereafter specified, upon any disagreement. If such jury shall be evenly divided, so that it is unable to agree on its report, or any part thereof, it shall make and sign a report stating that fact, and setting forth such items as a majority of the members have agreed upon, if any such there be, and the names of the persons as owners, and

Return of writs and notices.

Jury to assemble.

Jury to be sworn.

Jury to view land and assess damages and benefits.

Return of jury.

Jury to be kept together.

Report if jury unable to agree.

the particular premises in regard to the damage, special benefit or enhanced value of which they are evenly divided, or in regard to which a majority of them cannot agree, which report shall be filed in the same manner as the report hereinbefore provided for. On receipt of any such report showing any disagreement of the jury, said board of aldermen shall, at its next meeting after the filing of such report, direct the mayor of said city to issue, and he shall thereupon issue, under the seal of said town, his order to a policeman of said town to at once summon a new jury, qualified for such duty as hereinbefore specified, and of the same number as hereinbefore directed, to be composed of different persons from those who constituted the jury so disagreeing, and such new jury shall proceed immediately after being duly sworn, as aforesaid, to take into consideration all parts of the report of the former jury on which that jury was not able to agree, and to view the premises in regard to which such disagreements were had in the manner hereinbefore directed, and shall make its report in the same manner as hereinbefore provided. Such course shall be continued from time to time until all the matters in such original writ directed to be decided shall have been determined. At the first meeting of said board of aldermen after a complete report or reports upon the matter in said writ ordered to be decided shall have been filed as aforesaid, said board of aldermen shall consider and pass upon such report or reports. If said board of aldermen shall determine that any item of damages so assessed is excessive, it may reject such report or reports, and discontinue the proposed improvement and in case of such discontinuance no other proceeding shall within three months thereafter be commenced for a similar purpose in relation to any of the premises affected thereby, or any part of the same, without the written consent of the owner thereof. It shall be competent for said board of aldermen, in passing upon any such report or reports, to decrease or remit any item or items of special benefit, advantage or enhanced value therein contained, if it think proper to do so. If said board of aldermen shall think proper, it shall order such report or reports, or such report or reports modified by it, as to special benefits or advantages or enhanced value, approved, and the lands condemned in said proceedings shall vest in said town so long as they may be used respectively for the purpose of said improvement, as soon as the amount of damages assessed to them respectively, decreased by the amount of special benefit, advantage and enhanced value so assessed against them respectively, shall have been paid or tendered to the owner or owners of such premises respectively, or deposited as hereinafter provided. In case of an appeal on any item, as hereinafter provided, such damages on the premises as to which such appeal is taken, de-

New jury to be ordered.

Aldermen to pass upon reports.

Powers of aldermen.

Lands condemned to vest in town.

Damages deposited on appeal.

creased by the amount of special benefits, advantage and enhanced value assessed against the same, shall be deposited with the Clerk of the Superior Court of said county of Buncombe, to be disposed of as so assessed, or as upon such appeal adjudged subject to be reduced by any special benefits, advantage and enhanced value against such premises assessed as aforesaid, or on such appeal adjudged. Any special benefit, advantage or enhanced value so assessed against any premises, or on appeal adjudged against the same, unless paid or set off by damages assessed thereon, or on appeal adjudged on the same, shall upon such approval of the board of aldermen, in case no appeal is taken upon such assessment of special benefits, advantage or enhanced value or damages, or upon final judgment in case of any such appeal, become and be a lien in favor of said town on said premises on which it has been so assessed or adjudged, as of the time when the board of aldermen passed upon the report regarding the same when said approval was had or appeal taken, and shall be paid to said town in equal installments, one, two and three years respectively, after the completion of such improvement, or in case of appeal and completion of such improvement before final judgment thereon, after such final judgment; and if any one of such installments shall remain unpaid for thirty days after its maturity, all such installments then unpaid shall become due, and the premises so assessed or charged shall be sold for the payment of the same and the expenses of such sale and costs by the tax collector of said town under the same rules, regulations, restrictions, rights of redemption, provisions and effects as are prescribed in this charter for the sale of real estate for unpaid taxes. Any owner of premises mentioned in any such report who is dissatisfied with the amount of damages assessed therein as done to said premises, or with any amount of special benefits, advantage or enhanced value therein assessed against the same, or said board of aldermen, if dissatisfied with any item in said report, may appeal on any item with which he, she or it is so dissatisfied from such report thereon, or the action of the board of aldermen on such report, to the next term of the Superior Court of said county of Buncombe, by serving upon the adverse party a written notice of such appeal within ten days after said board of aldermen shall have so passed upon said report, but not afterwards. On any such appeal the appellate court shall have power to increase, affirm or diminish the amount of the item appealed on, but not to adjudicate the necessity of the improvement, and such appeal shall in no wise hinder or delay the board of aldermen in making or carrying out the proposed improvement, but it shall be lawful for it to enter upon and use the property so condemned as and for such purpose at any time after the ex-

Special benefits a lien on lands.

Special benefits assessed to be paid in installments.

Sale of property for non-payment.

Right of appeal.

Power of appellate court.

Appeal not to delay action.

piration of two days from the date when the amount of damages assessed by the jury, decreased by special benefit, advantage and enhanced value as aforesaid, shall have been paid or tendered, or in case of appeal deposited as aforesaid.

Procedure to condemn land for water-works.

Sec. 2. Whenever any land, real estate, water, water course or right-of-way, whether or not within the limits of said town, shall in the opinion of said board of aldermen be required for the purpose of erecting, making or establishing reservoirs, dams or ponds, tanks or other receptacles of water, or for laying conduit, main or supply pipes, or for obtaining a supply of water or the erection or construction of houses, stations or machinery to be used in so doing, for the use of said town or its inhabitants, or for any other purpose connected with the successful operation of water-works in and for said town, and the owner or owners of such property and the said board of aldermen cannot agree as to the price to be paid therefor, the same may be condemned in the manner prescribed in this charter for the condemnation of land for streets, except only that when the property so condemned lies without the limits of said town the jury shall be composed one-half of competent jurors from within said town, and the other half of competent jurors of said county of Buncombe, from without said town. For the purpose of successfully establishing, constructing and operating the water-works hereby contemplated, said board of aldermen shall have full power to extend such water-works or any branch or branches thereof beyond the limits of said town in any direction or directions which to it may seem advisable, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such water-works and any and all branches thereof beyond the limits of said town as it now is or hereafter may be empowered to exercise within such limits. In case of the discontinuance of the use of any property actually condemned for any of the purposes in this or the preceding section allowed, and its reverting to its original owners by reason thereof, said town shall have the right to remove therefrom any property, structure, machinery or improvement by it or under its authority erected, put or placed thereon.

Composition of jury.

Powers of aldermen to extend water-works.

Removal of improvements on reversion of property.

Aldermen to locate or discontinue streets.

Sec. 3. Said board of aldermen may establish the width and grade, and ascertain the location of the streets, alleys and sidewalks of said town already established, and may reduce the width thereof, or discontinue any of them.

Construction of water-works and sewerage system.

Sec. 4. Said board of aldermen shall from time to time lay, build and construct in said town such system or systems of water-works, water pipes, sewerage and sewer pipes and extension of the same as to it may seem advisable, or cause the same to be so laid, built and constructed, and shall keep the same in proper condition and repair, with proper connections, and make all necessary provisions for so doing, and shall control and regulate such

system and every part thereof, and may require the owner or owners of any improved lots in said town on any public street or alley where such water and sewer pipes have been laid, or are conveniently accessible, or on any line of pipes, to connect such lot with such sewer and water pipes in the manner and at the places designated by said board of aldermen. Connections.

Sec. 5. When any land or right-of-way within or without the limits of said town shall in the opinion of the board of aldermen thereof be required for the purpose of laying sewer pipes or making manholes, or for any other purpose connected with the successful operation of such sewer system or systems, and the owners of such property and said board of aldermen cannot agree as to the damage by reason thereof, the same shall be condemned and damages assessed therefor in the manner hereinbefore prescribed for the condemnation of land for water-works or purposes connected therewith. For the purpose of successfully constructing and operating such sewer system or systems, said board of aldermen shall have power to extend the system and any branch or branches thereof beyond the limits of said town in any direction or directions which it may think proper, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such sewer system or systems and any and all branches thereof, whether within or without the limits of said town, as to it shall seem proper. Procedure to condemn lands for sewer system. Power to extend sewerage system.

Sec. 6. Said board of aldermen may borrow in any one year a sum or sums of money not exceeding in the aggregate one thousand dollars, in such amounts as the same may be needed for the necessary expenses of the said town, including the building and construction of water-works and sewerage system and the laying off, widening, changing, construction, improving or working the streets of said town, the rate of interest not to exceed six per cent. per annum. Said board of aldermen may execute for any such loan the note or notes of said town, to be in such form as the board of aldermen may from time to time prescribe, and for the payment of such note or notes and interest thereon, the said board of aldermen may levy a special tax in each year. Aldermen may borrow money. Power to execute notes.

Sec. 7. If in the opinion of the board of aldermen it shall be necessary to issue bonds for the construction, laying off or improvement of streets, or for the building or construction of a sewerage system or water-works, the said board of aldermen may, upon such terms as may be deemed best, order an election for the issuance of such bonds, such election to be held at the same time as the municipal election of the town of Black Mountain, and under the same laws, rules and regulations. The voters casting their votes in favor of issuing bonds for the improvements herein referred to shall vote in a ticket on which shall be written or printed "For Improvement Bonds," and the voters voting against such bonds shall vote in a ticket on which shall Election on bond issue. Tickets.

Effect of election.

be written or printed "Against Improvement Bonds"; and if in such election a majority of the voters of said town shall cast their ballots for the improvement bonds, the board of aldermen shall then have power and authority to issue such bonds: *Provided*, the full amount of the face of such bonds shall not exceed ten thousand dollars: *Provided further*, that the rate of interest thereof shall not exceed six per cent.: and, *Provided further*, that the said bonds shall not be sold for less than face value thereof, the bonds to be issued for such time and in such amounts as may be deemed best by the board of aldermen.

Proviso: limit on amount of issue.

Proviso: interest.

Proviso: bonds not sold below par.

Special tax.

Sec. 8. The board of aldermen may levy a special tax of not exceeding twenty cents on one hundred dollars worth of property to provide for the payment of interest and to provide for a sinking fund for the payment of the principal of the bonds referred to in the preceding section, such sinking fund to be invested as the board of aldermen may deem advisable.

Investment of sinking fund.

Corporate limits.

Sec. 9. That the corporate limits of said town of Black Mountain shall be as follows: Beginning at a stake one-half mile due north from the center of the Southern Railway depot, and runs thence south sixty-seven degrees thirty minutes east one hundred and twenty-two rods; thence south twenty-two degrees and thirty minutes east one hundred and twenty-two rods; thence south twenty-two degrees thirty minutes west one hundred and twenty-two rods; thence south sixty-seven degrees and thirty minutes west one hundred and twenty-two rods; thence north sixty-seven degrees and thirty minutes west one hundred and twenty-two rods; thence north twenty-two degrees and thirty minutes west one hundred and twenty-two rods; thence north twenty-two degrees and thirty minutes east one hundred and twenty-two rods; thence north sixty-seven degrees and thirty minutes east one hundred and twenty-two rods to the place of the beginning.

Town elections.

Sec. 10. That there shall be held in the said town on Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter an election for the officers of said town, who shall hold office for a term of two years and until their successors are elected and qualified.

Sec. 11. That all laws and clauses of laws relating to the charter of said town, in conflict with any of the provisions of this act, are hereby repealed.

Sec. 12. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 372.

AN ACT TO CHANGE THE NAME OF ROANOKE INSTITUTE TO ROANOKE COLLEGIATE INSTITUTE.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter one hundred and eighty-one, Private Laws of one thousand eight hundred and ninety-seven, be amended by striking out the words "Roanoke Institute," in line five of said section, and inserting in lieu thereof the words "Roanoke Collegiate Institute." Name changed.

Sec. 2. That section two of said act be amended by striking out the words "Roanoke Institute," in lines three and four of said section, and inserting in lieu thereof the words "Roanoke Collegiate Institute." Name changed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 373.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-two of the Private Laws of North Carolina of the Session of one thousand nine hundred and five be and the same is hereby amended as follows: That the corporate limits of the said city, as defined in section two of said act, be amended so as to annex to the city of Winston the land included in the following boundaries, to-wit: Beginning at a stone at the northeast corner of the present corporate limits of the city of Winston, and running thence north five degrees and fifteen minutes west, four thousand two hundred and ninety and one-tenth feet, to a stone near the corner of J. E. Zeigler's garden; thence north eighty degrees and fifteen minutes west, six hundred and forty-one and four-tenths feet, to the center line of the siding of the Norfolk and Western Railway Company; thence north forty-nine degrees and fifty-one minutes west, two thousand nine hundred and seventy-four feet, to the southeast corner of the enclosure around Piedmont Park; thence with the line of said enclosure south eighty-nine degrees and forty-four minutes west, one thousand and seventeen and eight-tenths feet, to the southwest corner of said enclosure; thence parallel to the line of Land annexed to city.

Depot Street south one degree and nineteen minutes west to a stone four hundred feet short of the point where the said line would cut the center of Peter's Creek; thence in a southwestwardly direction to a stone north of the old steam pump-house in the east face—produced—and fifty-three and six-tenths feet from the northeast corner; thence due west to the east side of Brookstown Road; thence following the east side of the Brookstown Road to the center of Peter's Creek, falling on and continuing on the old corporate line of the city to the place of beginning.

Annexation subject to election.

Sec. 2. That all that portion of the territory defined and described in the first section of this act lying east of a line four hundred feet west of a center line of the Norfolk and Western Railroad and parallel to said center line is hereby annexed to the city of Winston upon condition that the qualified voters living within said territory east of said line shall, at an election to be called under the provisions of this act, approve such annexation by a majority vote. Said election shall be held at a time and at a point to be designated by the Mayor of Winston after public notice of twenty days. The election shall be held by two judges and a registrar to be appointed by said mayor at the time and place designated; and ten days before said election the said registrar shall open the books for registration of all voters qualified to vote for members of the General Assembly, and shall upon application register the same in a book kept for that purpose; said book shall be kept open at a place designated by him in his notice for registering of such voters until sunset before the day of election. In the said election all persons approving the annexation of the said territory to the city of Winston shall vote by a ballot either written or printed the word "Approved," and those opposing the annexation shall vote a ballot having upon it "Not Approved." The election shall be held at the time and place designated, and the polls shall be kept open from seven o'clock in the morning until six o'clock in the evening. The said judges and registrar shall count the votes cast, canvass the same and certify under their hands the result to the Mayor of Winston, and the result of said election shall be by him ordered to be recorded by the secretary of the city. If at said election a majority of the votes cast shall be in favor of annexation, the said territory shall at once become a part of the city of Winston. If, however, a majority of the qualified voters in said territory vote "Not Approved," then the said territory shall not become a part of the city of Winston, but shall remain as it now is.

Time and place of election.

Method of holding election.

Registration.

Ballots.

Canvass and return of votes.

Effect of election.

Territory added to third ward.

Sec. 3. That the wards of the city of Winston shall be and remain as they are now constituted and defined, except that all of the new territory to be added to the city of Winston under the provisions of this act shall become a part of the Third Ward,

and the qualified voters in the territory so included within the city limits shall be entitled hereafter to register and vote in the Third Ward.

Salary of mayor and recorder.

Sec. 4. That section six of said act be amended by striking out the words "and recorder," in line thirty-two of said section, and by striking out the words "in the aggregate," in line thirty-four of said section.

Tax on pool rooms.

Sec. 5. That section fifty-five of the charter of Winston be and the same is hereby amended by adding after the words "Elks' auditorium," in said section, the words "or the Young Men's Christian Association." That said section fifty-five is further amended by striking out the word "less," in line ten, and inserting in lieu thereof the words "not exceeding."

Jury to assess damages.

Sec. 6. That section ninety-six be and the same is hereby amended by striking out the word "six," in line twenty-one of said section, and inserting in lieu thereof the word "five," and the said section is further amended by striking out all after the word "person," in line sixteen on page two hundred and forty-six of the Private Acts of the Session of one thousand nine hundred and five, and down to and including the word "section," the last word in the proviso.

Proviso: as to hung jury.

Repair and construction of sidewalks.

Sec. 7. That section ninety-eight of said chapter be and the same is hereby amended by inserting after the word "established," in line twenty-one, the words "and curbing placed at the expense of the city." Amended further by striking out the words "immediately upon," in line thirty-three of said section, and inserting in lieu thereof the words "after thirty days."

Drainways.

Sec. 8. That section sixty-nine of said chapter be and the same is hereby amended by adding after the last word in said section the following, to-wit: "That where any person, firm or corporation owns any lot or plot of ground within the corporate limits of said city through which there is a natural drain way or upon which water accumulates, such person, firm or corporation shall, upon notice from the mayor of the city, furnish such pipes or material as may be prescribed by the city engineer for the purpose of conducting water through or out of such lot, which pipes or material shall be placed in position at the expense of the city; and in case such owner, after a notice of thirty days from the mayor, should fail to furnish such pipes or material, the city is authorized to furnish the same, and the cost thereof shall become a lien upon the property of such owner, and if not paid on a notice of thirty days after completion of such work such lot or as much thereof as may be necessary shall be sold by the tax collector of said city to pay such charges and expenses and the cost of the same under the same rules, regulations and restrictions, rights of redemption and saving as are prescribed in this chapter for sale of land for unpaid taxes. In like manner and

under the same rights of enforcing the same, all such persons, firms or corporations owning any lots or plots of ground within the corporate limits where it becomes necessary to provide a drainage by the use of brick or cement, as prescribed by the city engineer, such owners shall be required to furnish all materials and construct the same without expense to the city. And the board of aldermen may require all persons, firms or corporations owning property along streets which have already been blocked or macadamized to pay one-fifth of the cost of all new work, the city paying the remaining four-fifths: *Provided*, that on all streets traversed by street cars, the company operating said street cars shall be required to pay for new work between and on the eighteen inches on outside of its tracks under the direction of the city authorities, but in no case to exceed one-fifth of the cost of constructing the new work on the street. The said one-fifth to be deducted from that portion for which the city is chargeable.

Sec. 9. That section sixty-seven of said chapter be and the same is hereby amended by adding after the last word in said section the words "but no appropriation exceeding the sum of two hundred and fifty dollars shall be made except by express authority from the board of aldermen or a majority of said board, and all appropriations in excess of said amount shall have been authorized by a majority vote of said board of aldermen at at least two regular monthly meetings, and whenever a motion is made at any meeting of the board of aldermen by any member thereof to bind the city by any contract whatsoever, or to grant any franchise or license, or to adopt or repeal any ordinance, in any such case such motion shall not be acted upon by the said board before the next regular meeting thereof except by unanimous consent

Appropriations.

Sec. 10. That the said chapter be further amended by adding a section after the last word in section one hundred and five of said chapter as follows:

Underground wires.

"Sec. 106. That the board of aldermen shall have authority to require all telephone, telegraph, electric light and street-car companies operating in the city of Winston to place all their wires under ground in such sections and in such way and manner as shall be prescribed by the city engineer under the direction of the board of aldermen."

Sec. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 374.

AN ACT TO TRANSFER CERTAIN PARTIES FROM SANDY RIDGE SCHOOL DISTRICT TO ALTON SCHOOL DISTRICT, IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the County Board of Education of Union County is hereby empowered to transfer James Edward, G. C. Gay and T. N. Gay, residents of Sandy Ridge School District, in Union County, North Carolina, from said school district to the Alton School District, in said county and State. Transfer authorized.

Sec. 2. That the above-named parties be included in the census to be taken in Alton School District, and shall not be included in the census of Sandy Ridge School District. School census.

Sec. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 375.

AN ACT TO ALLOW DR. DOWD TO PRACTICE MEDICINE WITHOUT PAYING TAX IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Dr. Thomas Connor Dowd, who is seventy-seven years old, and has practiced medicine for forty-seven years, and is an ex-Confederate soldier, be allowed to practice medicine in the county of Randolph without paying a license therefor. Authorization.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 376.

AN ACT TO INCORPORATE THE WOMEN'S CIVIC IMPROVEMENT ASSOCIATION, OF FAYETTEVILLE.

Whereas, the old market-house and other points of historic interest in and around the city of Fayetteville, North Carolina, are in need of attention and care from those who are desirous of maintaining the historic character of such places; whereas, Preamble.

the market-house has ceased to be useful for a Town Hall and for such other purposes for which it was built; and whereas, the white women in and near the city of Fayetteville, North Carolina, are desirous of forming an association for the purpose of caring for and improving said market-house and other historic points in the vicinity; and whereas, by reason of its central situation, the said market-house is well suited for a public library and hall of history: now, therefore,

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Mesdames E. J. Hale, George M. Rose, Thomas H. Sutton, S. H. Strange, Hunter Smith, W. J. McDiarmid, J. H. Anderson, B. R. Huske, E. H. Williamson, Herbert Lutterloh, David Ray, John Oates, H. R. Horne, Rankin, F. R. Rose, Kennedy, W. F. Blount, A. S. Huske, W. L. Holt, T. D. Haigh, John G. Shaw; Misses Georgie Hicks, Katie Sutton, Ida Sutton, Bessie McNeill, Fannie Williams, Janie Williams, Kate Smith, Maggie Mallett, Maggie Rose, Nannie Robinson and such other persons as may be associated with them and their successors, be and are hereby constituted and appointed a body politic and corporate under the name and style of The Women's Civic Improvement Association, of Fayetteville, North Carolina, for the purpose of the promotion of useful knowledge, the preservation of the points of historic interest in or near Fayetteville, and the improvement, preservation and caring for the streets, bridges and other public utilities in and near Fayetteville.

Corporate name.

Purpose of incorporation.

Management of association.

Sec. 2. The general management of the association shall be in the persons above named, their associates and successors, which successors shall be composed of the white women of the city of Fayetteville and vicinity, who shall pay the annual dues of said association and otherwise comply with such by-laws thereof as may from time to time be adopted.

Constitution and by-laws.

Sec. 3. Said corporation shall have the power to make and adopt a constitution and by-laws, rules and regulations for the admission, government, suspension and expulsion of its members, active or honorary, the collection of specified fees, fines and dues, the number, election and duties of its officers, the safe keeping and protection of its property and funds, or such as may be loaned, leased or rented to it, and from time to time to alter, modify, change and repeal such constitution, by-laws, rules and regulations.

Corporate powers.

Sec. 4. Said corporation shall have the power to sue and be sued by its corporate name, and shall have the power to take by purchase, lease, gift, grant, devise and bequest any property, real or personal, and to hold, sell, convey and transfer the same; and to do any and all things necessary, fit and proper for the carrying out of the purposes for which said association was formed.

Liability and rights of members of corporation.

Sec. 5. The individual members of the corporation shall not in any event be liable for any of the debts or obligations of the corporation, nor shall any member have an individual ownership of the property of the corporation, but the interest in each member in the estate, property, privileges and franchises belonging to the corporation shall cease at death or when such membership is otherwise terminated. All property of the corporation shall be exempt from all taxation.

Property exempt from taxation.

Property to be leased to corporation.

Sec. 6. The Board of Aldermen of the City of Fayetteville, or public works commission of said city, is hereby authorized and empowered to lease or rent to the said corporation upon such terms as may be deemed best the market-house or other public property: *Provided*, the same be used for the purposes for which said corporation was created, and none other.

Proviso: lease for corporate purposes.

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 377.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SOUTHERN PINES TO LEVY A SPECIAL TAX TO PAY INTEREST ON DEBT.

The General Assembly of North Carolina do enact:

Election to be ordered.

Section 1. That the Commissioners of the Town of Southern Pines shall order and have held an election at a time and place to be fixed by them, to submit to the qualified voters of said town the question of levying a special annual tax to pay the interest on certain loans now made or hereafter to be made on school property in said town. The said election shall be held under the rules and regulations prescribed for the election of municipal officers of said town, and the result thereof canvassed and declared in like manner. At said election those favoring the levying of said special tax shall vote ballots on which shall be written or printed the words "For Schools," and those opposing the levying of the tax shall vote ballots on which shall be written or printed the words "Against Schools."

Law governing election.

Ballots.

Special tax authorized.

Sec. 2. If a majority of those voting shall vote "For Schools," then the said commissioners shall levy a special tax annually at the time of levying other taxes, which special tax shall not exceed twenty-five cents on the one hundred dollars' valuation of

Limit.

property, and shall be collected as other taxes of said town are collected and shall be used for the purpose of paying the interest upon the said loans.

Sec. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 378.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH MILLS, IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That chapter three hundred and sixty-one of the Private Laws of one thousand nine hundred and three be amended by striking out "one-half mile square," and inserting in lieu thereof "one mile square," in line four of section one thereof.

Sec. 2. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 379.

AN ACT TO REGULATE MUNICIPAL ELECTIONS IN THE TOWN OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Date of election.

Section 1. That an election shall be held for the town of Elizabeth City on Tuesday after the second Monday of April, one thousand nine hundred and seven, and biennially thereafter;

Officers to be elected.

at each of which elections there shall be elected by the qualified voters of the said town a mayor, a chief of police, a treasurer,

Proviso: aldermen elected by wards.

a clerk and seven aldermen: *Provided, however*, that one of said aldermen shall be elected in each of the seven wards of the said town by the qualified voters of said town residing in said

Proviso: qualification of aldermen.

ward: *Provided further*, that each of said aldermen at the time of his election shall be a qualified voter in the ward in which he

Proviso: removal from ward to create vacancy.

is elected: and, *Provided further*, that should any alderman during his term of office move from the ward in which he was elected, such removal shall cause a vacancy in the office of alderman from said ward, which vacancy shall be filled as provided in the charter of said town for vacancies occuring in the office of

alderman from other causes. The said mayor, chief of police, treasurer and clerk shall be qualified voters in said town at the time of their election; and they, together with said aldermen, shall hold office for two years and until their successors shall have been elected and qualified, and they, together with said aldermen, shall be installed in office and enter upon the duties thereof on the first Monday in June following their election. Qualifications of officers. Term of office. Beginning of term.

Sec. 2. Each of the aforesaid elections shall be called and notice thereof given by the board of aldermen of said town at least thirty days preceding the same. Notice of elections.

Sec. 3. That each ward in said town shall constitute an election precinct, and the said board of aldermen shall at the time of calling any election designate the polling places for same in the several election precincts: *Provided*, there shall be at least one polling place in each election precinct: *Provided further*, that the said aldermen may divide each of said wards into more than one election precinct and designate polling places in each of said election precincts. Election precincts. Proviso: polling place. Proviso: division of wards.

Sec. 4. The said board of aldermen shall select, at the time of calling said election, one person of good character for each election precinct who shall be a qualified elector in said precinct, who shall act as registrar of voters for such precinct; and the said board shall cause the clerk of said town to make publication of the names of the persons so selected as registrars and of the persons appointed as judges of election as hereinafter provided, and of the polling places and of the time of the election and of the size of the ballots, at the Town Hall and at three public places in each election precinct immediately after calling said election, and to have a notice of their appointment served upon the registrars and judges of election by the chief of police of said town. If any registrar or judge of election shall die, become incompetent or neglect to perform his duties, said board of aldermen may appoint another in his place. Registrars. Publication to be made. Vacancies.

Sec. 5. Before entering upon the duties of his office, each registrar shall take an oath before some person authorized by law to administer oaths to faithfully perform the duties of his office as registrar; a certificate of the administering of said oath shall be made in the registration book by the party administering the same, with the date of administration. Registrar to take oath.

Sec. 6. It shall be the duty of the board of aldermen of said town to cause a registration to be made of all the qualified voters residing therein, under the rules and regulations prescribed for the registration of voters for members of the General Assembly. And when there has been a registration of voters, the board of aldermen may, in its discretion, before any election, order a new registration of voters; and unless such new registration shall be ordered, the election shall be held under the existing registration, with such revision as herein provided. Registration. New registration.

Notice of new registration.

Sec. 7. In the event a new registration is ordered the board of aldermen shall cause the clerk of said town to give thirty days' notice thereof by posters at three public places in each election precinct.

Revision of registration books.

Sec. 8. Each registrar shall be furnished with registration books, and it shall be the duty of each to revise the registration book of his precinct in such manner that said book shall show an accurate list of the electors previously registered in each precinct and still residing therein, without requiring such electors to be registered anew: *Provided*, that this section shall not apply when a new registration is ordered as herein provided.

Proviso: new registration excepted.

Books open for registration.

Sec. 9. Each registrar shall, between the hours of nine o'clock A. M. and five o'clock P. M. on each day (Sunday excepted) for seven days preceding the day for closing the registration books, as hereinafter provided, keep open said books in the different precincts for the registration of such electors residing in the precinct who are entitled to register under the Constitution and general laws regulating the election of members of the General Assembly, and whose names do not appear on the registration books. Such books shall be kept open until eight o'clock P. M. of each Saturday during the registration period at the polling places in the various precincts, and shall be closed for registration on the second Saturday before each election.

Books to be closed.

Registration on election day.

Sec. 10. No registration shall be allowed on the day of election, but if any person shall on the day of election give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one years or otherwise has become qualified to vote since the registration books were closed for registration, he shall be allowed to register and vote.

Vacancies to be filled.

Sec. 11. If any vacancy shall occur on the day of election in the office of registrar, the same shall be filled by the judges of election, and if any vacancy shall occur on that day in the office of judge of election the same shall be filled by the registrar; vacancies occurring at any other time shall be filled by the board of aldermen; the persons appointed under the provisions of this section shall possess all the qualifications provided in this act for registrars and judges of election and shall be sworn before acting.

Challenge day.

Sec. 12. On the second Saturday before each election the registration books shall be kept open at the polling place in the precinct for the inspection of the electors of the precinct, and any of such electors shall be allowed to object to the name of any person appearing on said books: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting on the day of election to any person offering to vote.

Proviso: challenge on election day.

Challenge to be noted.

Time and place of hearing.

Sec. 13. When a person is challenged the registrar shall enter upon his books opposite the name of the person objected to the word "Challenged," and the registrar shall appoint a time

and place on or before the Monday immediately preceding election day when he, together with the judges of election, shall hear and decide the objection, giving personal notice to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his residence. It shall be the duty of the chief of police, when so requested, to serve any notice herein required. If any person challenged shall be found not duly qualified, the registrar shall erase his name from the books. They shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the General Assembly. Whenever any person offering to vote is challenged or objected to on the day of election, the registrar and judges of election shall immediately proceed to hear and determine the objection under the aforesaid rules and regulations.

Notice to persons challenged.

Name to be erased.

Challenges on election day.

Sec. 14. Immediately after each election the registrars shall deposit the registration books for the respective precincts with the clerk of the town, who shall carefully preserve same.

Books to be deposited.

Sec. 15. The board of aldermen shall appoint, at the time of calling each election, two judges of election, who shall be of different political parties where possible, and men of good character, able to read and write and qualified electors in their respective precincts, in each election precinct in said town, who, before entering upon the discharge of their duties, shall take an oath before some person authorized by law to administer oaths, to conduct the election fairly and impartially, according to the Constitution and laws of the State.

Appointment of judges of election.

Judges to take oath.

Sec. 16. The judges of election shall open the polls and superintend the same until the close of the election; they shall keep two poll books, in each of which shall be entered the name of every person who shall vote in their respective precincts, and at the close of the election they shall certify the same over their proper signatures and deposit them with the clerk of the town, who shall carefully preserve same.

Judges to open and superintend polls.

Poll books.

Sec. 17. The polls shall be open on the day of election from six o'clock and thirty minutes A. M. until six o'clock and thirty minutes P. M. and no longer.

Time of voting.

Sec. 18. Each person registered who is qualified to vote under the general law regulating elections for members of the General Assembly, and who shall have resided for four months immediately preceding an election within the limits of any election precinct in said town, and who shall take the oath for voters prescribed in the aforesaid general election law, shall have the right to vote in such precinct unless he is successfully challenged for good cause on the day of election: *Provided*, that removal from one ward or election precinct to another in the said town shall not operate to deprive any person of the right to vote in the precinct or ward from which he has removed until four months after such removal,

Qualifications for voters.

Proviso: removal from one ward to another.

and all electors shall register and vote in the election precinct of their residence, except in case of removal, as above specified, in which case such person shall register in the precinct or ward whence he has removed.

Ballots.

Sec. 19. All ballots shall be printed or written, or partly printed and partly written, upon white paper, and shall be without device, mutilation or ornamentation, the size of the ballots to be fixed by the board of aldermen at the same meeting at which the election is called.

Separate ballots.

Sec. 20. Each alderman shall be voted for in his respective ward only, and on one ballot; the mayor, chief of police, treasurer and clerk shall be voted for in all the wards of said town on another ballot.

Ballot boxes.

Sec. 21. The chief of police and clerk of said town shall provide for each election precinct in said town two ballot boxes, one of which shall be labeled "Ballot Box for Aldermen," and the other shall be labeled "Ballot Box for Mayor, Chief of Police, Treasurer and Clerk"; in the ballot box for aldermen each voter may deposit one ballot containing the name of the person for whom he desires to vote for alderman of that ward; in the other ballot box each voter may deposit one ballot containing the names of the persons for whom he desires to vote for mayor, chief of police, treasurer and clerk. The registrar and judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and the boxes shall be sealed or securely fastened, and not be opened until the polls are closed. After the election said ballot boxes shall be deposited by the registrars and judges of election with the chief of police, who shall preserve the same.

Boxes to be examined and sealed.

Deposit of boxes.

Count of ballots.

Sec. 22. When the election shall be finished the registrar and judges of election shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ballot; and if there shall be two or more ballots rolled up together, or any ballot shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either of these cases such ballot shall not be numbered in taking the ballots, but shall be void; and the counting of votes shall be continued without adjournment until completed and the result thereof declared. Any ballot found in the wrong box shall not be counted, unless the registrar and judges of election shall be satisfied that the same was placed there by mistake.

Ballots in wrong boxes.

Board of canvassers.

Sec. 23. The registrar and judges of election in each voting precinct shall appoint one of their number to attend the meeting of the board of canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns of the result of the election in such precinct; and the members of the board of canvassers who shall have been so ap-

pointed shall attend the meeting of the board of canvassers, and shall constitute the board of town canvassers for such election, and the majority of them shall constitute a quorum. Quorum.

Sec. 24. The board of town canvassers shall meet on the next day after the election at twelve o'clock M. at the Town Hall, and the members shall each take the oath prescribed in the general law for members of the board of county canvassers. Meeting of canvassers.

Sec. 25. The board of canvassers shall at its meeting, in the presence of such electors as choose to attend, open, canvass and judicially determine the result, and shall make two abstracts, stating the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same; and return one of said abstracts to the mayor and one to the town clerk, who shall record the same on the minute book of the town. The board of canvassers shall have power and authority to judicially pass upon all the facts relative to the election, and judicially determine and declare the result of the same, and whoever shall receive the greatest number of votes in said town for mayor shall be declared elected mayor; whoever shall receive the greatest number of votes in said town for chief of police shall be declared elected chief of police; whoever shall receive the greatest number of votes in said town for treasurer shall be declared elected treasurer; whoever shall receive the greatest number of votes in said town for clerk shall be declared elected clerk; whoever shall receive in the First Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Second Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Third Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Fourth Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Fifth Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Sixth Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Seventh Ward the greatest number of votes for alderman in that ward shall be declared elected alderman from that ward: *Provided*, that nothing contained in this section shall be so construed as to change the provision of this act requiring each alderman at the time of his election to be a qualified voter in the ward in which he is elected. The said board of canvassers shall have power and authority to send for papers and persons and examine the latter upon oath, and in case of a tie between two opposing candidates, the result shall be determined by lot. Canvass of returns. Abstracts. Judicial powers. Declaration of result. Proviso: alderman to reside in ward. Further powers of canvassers.

Law governing elections.

Sec. 26. In all respects other than as herein provided, all elections held in said town shall be conducted as prescribed for elections of members of the General Assembly.

Present officers continued.

Sec. 27. That the mayor, chief of police, treasurer, clerk, members of the board of aldermen and all the appointive officers now holding office in said town, except such as may resign, be removed for cause or otherwise become disqualified, shall continue to serve until their successors under this act shall have been elected and qualified, and their compensation for such service shall be the same amount of compensation which they now receive under the charter of said town or in proportion thereto.

Sec. 28. That all laws, whether of a public or a private nature, and all parts of laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 29. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 380.

AN ACT TO REPEAL CHAPTER 66, PRIVATE LAWS OF 1905, AND TO RE-ENACT CHAPTER 300 OF THE PRIVATE LAWS OF 1901, IN RELATION TO THE GOVERNMENT OF THE TOWN OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

Amendments to charter repealed.

Section 1. That chapter sixty-six, Private Laws of one thousand nine hundred and five, relating to the charter of the town of Kernersville, be and the same is hereby repealed, and chapter three hundred, Private Laws of one thousand nine hundred and one, establishing two wards of said town, be and the same is hereby re-enacted as if the same was herein repeated.

Election to be called.

Sec. 2. That before this act shall go into effect an election shall be held in the town of Kernersville at the usual voting place on the first Tuesday after the first Monday in May, one thousand

Question to be voted on.

nine hundred and seven, at which said election all qualified voters residing in the corporate limits of Kernersville shall be entitled to vote to determine the question whether the change indicated in section one of this act, dividing the said town into wards, shall be determined. Those in favor of establishing wards in said town as provided by chapter three hundred, Private Laws of one thousand nine hundred and one, shall at said election vote a ballot on which are written or printed the words "For Two Wards," and those opposed to establishing two wards as provided in chapter three hundred, Private Laws of one thousand nine

hundred and one, shall vote a ballot on which are written or printed the words "Against Two Wards." Ballots.

Sec. 3. Should the majority of ballots cast at said election be for two wards, then this act shall be effective, and chapter three hundred, Private Laws of one thousand nine hundred and one, establishing wards in said town, shall be in force and effect from and after April first, one thousand nine hundred and eight, and chapter sixty-six, Private Laws of one thousand nine hundred and five, shall be thereby repealed from and after the May election, one thousand nine hundred and eight. Result of election.

Sec. 4. Should a majority of the ballots cast at such election be opposed to two wards, then chapter sixty-six, Private Laws of one thousand nine hundred and five, shall remain in force and effect as the charter of the town of Kernersville, and this act shall be of no effect as far as changing the wards of said town is concerned, and chapter sixty-six, Private Laws of one thousand nine hundred and five, shall remain in full force and effect as if this act had never been enacted so far as establishing two wards is concerned. Act not effective unless approved.

Sec. 5. The Mayor and Commissioners of Kernersville now in office shall, as soon as may be after the passage of this act, give notice of the election indicated in section two of this act at the same time that notice of the election for commissioners is given, by publishing notice thereof at the mayor's office and at two other public places in said town, and the judges of election appointed to hold the regular election for commissioners shall hold said election and declare the result. Said judges of election shall be sworn by the mayor as provided in case of other elections, and they shall make report of said election to the mayor and board of commissioners. Notice of election. Judges of election.

Sec. 6. Should the result of the election provided for in this act on the first Tuesday after the first Monday in May, one thousand nine hundred and seven, result in favor of two wards, then and in that case the elections for town officers shall be as provided for in chapter three hundred, Private Laws of one thousand nine hundred and one, after April first, one thousand nine hundred and eight, but should said election result against two wards, then and in that case the election shall be conducted as provided for in chapter sixty-six, Private Laws of one thousand nine hundred and five, after April first, one thousand nine hundred and eight, except that said election shall be held on Tuesday after the first Monday in May, one thousand nine hundred and seven, and annually thereafter, and the officers elected at such elections shall hold office for one year and until their successors are elected. Future elections.

Sec. 7. That the Mayor of the Town of Kernersville is authorized and empowered to appoint one or more special policemen who shall be authorized to patrol two miles in any direction from Special policemen. Extent of jurisdiction.

Powers and authority.

the corporate limits of said town, or the regular policeman or officer of said town may do so, and who shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of said territory by suppressing disturbances and apprehending offenders. Said officers shall execute all process directed to them by the Mayor of Kernersville, and in the execution thereof shall have all powers and be entitled to all the fees for the execution of all precepts issued by the mayor, and shall hold office for the same term as the policemen of Salem. Said officers shall bring all offenders arrested in said extended jurisdiction before the Mayor of Kernersville for trial.

Tax for graded school.

Sec. 8. That it shall be the duty of the Board of Commissioners of the Town of Kernersville, elected at the May election of each year, to levy a tax annually for the support and maintenance of the graded school of Kernersville, as provided for in sections six, seven and eight, chapter eleven of the Private Laws of one thousand nine hundred and five, ratified on the fourth day of March, one thousand nine hundred and five, and the board of commissioners of said town shall publish an annual itemized statement of the expense of conducting the graded school of the town of Kernersville. They shall also, upon completion of the graded school building now in course of construction, publish an itemized statement of the cost of said building, to whom paid and cost of material and work in said building.

Annual statement of expense of school.

Itemized statement of cost of building.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 381.

AN ACT TO AMEND THE CHARTER OF ELIZABETH CITY FIRE COMPANY NO. 1.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That section one, chapter one hundred and twelve, Private Laws of North Carolina for one thousand nine hundred and three, be amended as follows: Strike out all of the first two lines of said section and insert in lieu thereof: "That Charles Reed, T. Arcie Commander, James Richardson, D. Guy Brockett, H. T. Greenleaf, Jr., and E. R. Spence." Also strike out the word "fifty," in line four of said section, and insert the words "one hundred."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 382.

AN ACT TO AMEND CHAPTER 403 OF THE PRIVATE LAWS OF 1905, EXTENDING THE TIME FOR THE COMMENCEMENT OF WORK BY THE SOUTHPORT, NORTHERN AND WESTERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That section twenty-four of chapter four hundred and three of the Private Laws of one thousand nine hundred and five be and the same is hereby repealed, and the following section inserted in lieu thereof:

"Sec. 24. That unless the work shall be commenced under this charter within two years from and after the sixth day of March, one thousand nine hundred and seven, then this charter shall become null and void." Time of commencing work.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 383.

AN ACT TO INCORPORATE THE EASTATOE LAND AND TIMBER COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That R. H. Zachary, J. R. Zachary, J. M. Zachary, together with their associates and successors, be and they are hereby created and constituted a body corporate under the name of the Eastatoe Land and Timber Company, and by that name shall be entitled to sue and be sued, plead and be impleaded in any court in or out of the State of North Carolina; shall have a common seal and alter the same at pleasure, and have all rights and privileges, and be subject to all regulations and restrictions now existing and applicable under the laws of this State to such corporations. Corporators. Corporate name. Corporate powers.

Sec. 2. That the said corporation may acquire, buy, sell and hold land and timber and all kinds of personal property in the State, and may conduct a general lumber business in all its branches; may acquire, buy, sell and haul timber, trees, wood, tan bark and all other kinds of product of wood and timber; may manufacture, buy, sell and dispose of all kinds of furniture. Power to hold property. Business.

Sec. 3. The said company shall have the right to own, operate and maintain saw mills, tramways, piers, flumes and splash dams Plants to be operated and maintained.

or any other conveniences necessary in the carrying on a general lumbering and wood business; may float logs, wood or other material on the French Broad River or its tributaries, and for such purposes the said river and its tributaries are hereby declared to be subject to the same laws and regulations as navigable streams:

Proviso: damage from floating logs.

Provided, however, that if the said logs, wood or other material shall lodge against or on the property of any riparian land-owner, the said company may remove said logs, wood or other material therefrom by first paying the damage to said land-owner which the said logs, wood or other material being lodged thereon have caused to the said property: *Provided further*, that if the said land-owner and the company or its agent cannot agree as to the amount of damage to be paid, they shall each have a right to choose disinterested referees to assess such damages, and if the said referees do not agree, then they shall choose an umpire to sit with them, and the decision of any two of them shall be the amount of the damage for which the said company is liable; but if either party is dissatisfied with the decision of said referees, they may appeal to the Superior Court in the county in which the damage was done.

Proviso: arbitration of damages.

Appeal.

Capital stock.

Sec. 4. That the capital stock of the company shall be ten thousand dollars, divided into one hundred shares of one hundred dollars each, and may from time to time be increased to any amount not exceeding fifty thousand dollars, whenever a majority of stockholders in value shall determine. But the said company may commence business when as much as one thousand dollars has been subscribed and paid in.

Powers to contract debts and borrow money.

Sec. 5. That the said company shall have the power to contract debts and borrow money for the legitimate purpose of the corporation, and to make and issue notes, and shall have the power to issue bonds and other evidence of debts and indebtedness for any obligation incurred in the conduct of its business, and shall have the power to execute a mortgage or mortgages and deeds of trust upon or conveying its property, franchise and income to secure the payment of any indebtedness or the loan of any money as it may deem expedient.

Officers.

Sec. 6. That the officers of the said company shall consist of a president, secretary and treasurer, and a general manager with a board of directors of at least three, all of whose duties shall be prescribed by the by-laws of the company; but the said president, secretary and treasurer and general manager shall each be one of the directors provided for herein; and upon the election of the said officers, the said company shall be deemed to be fully organized, and may obtain subscriptions, issue stocks, bonds and other evidences of indebtedness, and may enter upon the performance of any work or carry out any of the operations authorized by this act.

When company organized.

Sec. 7. That the principal office of said company shall be kept at Brevard, in the county of Transylvania, State of North Carolina, and it may establish branch offices at such points in the State as it may deem necessary, and this corporation shall continue for a period of thirty years, subject to the general laws regulating corporations. Principal office. Term.

Sec. 8. That the stockholders of said company shall not be liable individually for any of its debts or engagements. Liability of stockholders.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 384.

AN ACT TO INCORPORATE THE TOWN OF NEW HILL.

The General Assembly of North Carolina do enact:

Section 1. That the town of New Hill, in the county of Wake, be and the same is hereby incorporated under the name and style of the Town of New Hill, and under and by said name may sue and be sued, plead and be impleaded, contract and be contracted with, and acquire and hold property, real and personal, for the use of the town, as its board of commissioners may deem expedient. Town incorporated. Corporate name.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the intersection of the Fayetteville and Chapel Hill road, or crossing, running north fifty-eight and one-half degrees east sixty (60) chains with said railroad (Seaboard Air Line); thence north thirty-one and one-half degrees west forty (40) chains to an ash tree in a small branch; thence south fifty-eight and one-half degrees west one hundred and twenty (120) chains to a stake and pointers; thence south thirty-one and one-half degrees east eighty chains to a stake and pointers; thence north fifty-eight and one-half degrees east one hundred and twenty (120) chains to a stake; thence north thirty-one and one-half degrees west forty (40) chains to the center of said railroad (Seaboard Air Line). Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor, four commissioners, a constable, a clerk and treasurer and as many policemen as may be necessary for preserving the peace and good order of said town. That the mayor and four commissioners shall be elected by the qualified voters of said town as hereinafter provided. That until the first election under this act T. L. Gardner shall be mayor and C. J. Bright, D. D. Lashley, Town officers. First officers.

W. C. Bright and C. C. Olive shall be commissioners, who shall hold their respective offices until their successors shall be elected and qualified; and that the said commissioners shall elect the clerk and treasurer, constable and policemen herein provided for, whose terms shall expire with the terms of the said commissioners.

Town elections.

Sec. 4. That there shall be held on the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, under the same rules and regulations as are prescribed for State elections, in some convenient place in said town to be designated by the board of commissioners, an election for mayor and four commissioners, who shall hold their offices until their successors are qualified. And for the holding of such election the board of commissioners shall appoint one registrar and two judges of election: *Provided*, that it shall be sufficient for the registrar to hold the books open for ten days prior to the day for closing the same for the registration of voters according to law.

Registrar and judges.

Proviso: registration.

Qualifications for mayor and commissioners.

Sec. 5. That any qualified elector in the State who has been a *bona fide* resident of said town for twelve months next preceding the day of election shall be eligible as mayor or commissioner.

Qualifications for electors.

Sec. 6. That all persons entitled to vote in the county of Wake for members of the General Assembly, and shall have been *bona fide* residents of said town for ninety days next preceding the day of election, and shall be otherwise qualified to vote as required by law, shall be entitled to register and vote at any municipal election of said town.

Powers of commissioners.

Sec. 7. That the board of commissioners may adopt and enact such ordinances, rules and regulations as to it may seem best for the government of said town, preserving the peace, abating nuisances and promoting sanitary conditions therein, and may enforce the same by fine not exceeding fifty dollars or imprisonment not exceeding thirty days in the common jail of Wake County or on the streets or other public works of said town.

Taxing power.

Rate.

Tax lists.

Sec. 8. That the commissioners shall have the power to levy taxes upon the real and personal property and polls in said town, the property tax not to exceed ten cents upon the one hundred dollars' valuation and the poll tax not to exceed thirty cents on the poll. When any taxes are levied under this section, all property and polls liable for taxation shall be listed with the clerk and treasurer of said town during the first twenty days of June in each year, and every person failing to list his taxes shall be liable to double tax. All property and polls in said town on the first day of June in each year wherein a levy has been made shall be listed. The town clerk and treasurer shall make out and complete the tax list and place a copy thereof in the hands of the constable on the first Monday in September in each year in

which a levy is made, and the same shall have all the force and effect of an execution. That said tax list shall be a lien on all real property in said town, and all personal property shall be liable to be seized and sold on ten days' notice for taxes; and real estate may be sold for taxes by the constable in the same manner as sales made under execution.

Bonds of officers.

Sec. 9. That the clerk, treasurer and constable shall each give a bond in the sum to be fixed by the board of commissioners with sufficient surety, payable to the State of North Carolina, conditioned for the faithful performance of the duties of their respective offices and for the proper accounting for and paying over to those entitled to the same of all sums of money which may come into their hands by reason or under color of their respective offices: *Provided*, that the commissioners may for cause remove any person holding the office of clerk, treasurer and constable, or any other officer of said town.

Municipal court.

Jurisdiction.

Process.

Proceedings.

Fees.

Sec. 10. That the mayor of said town is hereby constituted a municipal court, with all the jurisdiction in criminal offenses occurring within the corporate limits of said town and of all offenses arising under or by virtue of this charter which are now or which may hereafter be given to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of violations of the town ordinances. The mayor shall likewise have the same jurisdiction as that of justices of the peace to hear and determine all civil actions and causes arising under and by virtue of this act, the ordinances of said town or the general law applicable to towns and cities. The mayor may issue his process to the town constable or other lawful officer of Wake County, and it may be executed anywhere in said county. The proceedings in said court shall be in all respects the same as that prescribed by law for justices of the peace; and the mayor and all officers of said town shall be entitled to the same fees as are now or hereafter may be prescribed for the justice's court: *Provided*, that the board of commissioners may require all fees to be paid by such officers into the treasury of said town.

Use of taxes.

Sec. 11. It shall be the duty of the commissioners to use the taxes levied and collected in accordance with this act in defraying the expenses of said corporation and in repairing streets and sidewalks and in keeping them in good and passable order.

Officers to be sworn.

Form of oath.

Sec. 12. It shall be the duty of the mayor and the commissioners herein appointed to meet together within thirty days after the ratification of this act and organize by taking the following oath before some person authorized to administer oaths: "I, ..., do swear that I will faithfully act as ..... of said town during my term of office to the best of my knowledge and ability. So help me, God."

Prohibition.

Sec. 13. That it shall be unlawful for any person, persons, firm or corporation to sell or manufacture spirituous, vinous, malt or intoxicating liquors in said town and no license therefor shall be granted by said commissioners.

Ordinances to be posted.

Sec. 14. That no ordinances passed by said commissioners shall take effect until the same shall have been posted for five days in four public places in said town.

Sec. 15. That all laws and clauses of laws heretofore enacted coming in conflict with this act are hereby repealed.

Sec. 16. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 385.

AN ACT SUPPLEMENTARY TO AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF NEW LONDON, PASSED BY THE GENERAL ASSEMBLY AT THE SESSION OF 1907, AND RATIFIED ON THE 18TH DAY OF FEBRUARY, 1907.

The General Assembly of North Carolina do enact:

Duty of commissioners.

Section 1. That section six of an act to revise and amend the charter of the town of New London passed by the General Assembly, Session of one thousand nine hundred and seven, and ratified on the eighteenth day of February, one thousand nine hundred and seven, be amended by striking out the words "regular meeting in April," in lines five and six of said section, and inserting in lieu thereof "meeting after their election and qualification in May," and in line seven of said section, strike out the word "fifteenth" and insert in lieu thereof the word "twentieth."

Law governing town election.

Sec. 2. That section twenty-five of said act to revise and amend the charter of the town of New London be amended by adding to the end thereof the following: "That all elections in said town shall be held according to the provisions of chapter seven hundred and fifty, Public Laws of one thousand nine hundred and one, and the acts amendatory thereof, except that the registrars and judges of election for all elections in the town of New London shall be appointed by the chairman of the County Board of Elections for Stanly County, at least thirty days before any election in said town.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 386.

AN ACT FOR THE RELIEF OF MRS. HARRIET VAUGHN, A PUBLIC SCHOOL TEACHER OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the County Board of Education of Stokes County is hereby authorized and empowered to pay to Mrs. Harriet Vaughn, out of the funds apportioned to white School District Number Eight, Meadow Township, Stokes County, such sum as said board may find honestly and justly due her for services rendered as teacher of the public school in said district during the year one thousand nine hundred and three. Payment authorized.

Sec. 2. That this act shall be in force from the date of its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 387.

AN ACT TO INCORPORATE THE RALEIGH AND WINSTON-SALEM RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That F. J. Liipfert, E. B. Jones, George T. Brown, J. C. Buxton, O. B. Eaton, Sterling Smith, W. T. Carter, W. A. Blair, H. E. Fries and such other persons as may be associated with them, are hereby created and declared a body politic and corporate, for a period not to exceed sixty years, under the name and style of the Raleigh and Winston-Salem Railway Company, and in that name may sue and be sued, plead and be impleaded in any court in this State, contract and be contracted with; shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift or any other way real or personal property, and holding, leasing, conveying or in any other manner dealing with the same for any of the purposes hereinafter enumerated, and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may have all necessary regulations for its government not inconsistent with the laws of the United States or with the laws of the State of North Carolina. It may build branch roads from any part of its main line not exceeding fifty miles in length. Corporators. Term of corporation. Corporate name. Corporate powers.

Sec. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad To construct, maintain and operate railroad and telegraph lines.

and telegraph line from Raleigh, North Carolina, by way of Winston-Salem, North Carolina, to any point on the Virginia, Tennessee or South Carolina line.

Capital stock.

Sec. 3. The capital stock of the said railway company shall be

Increase of capital.

one hundred and twenty-five thousand dollars, which may be increased from time to time by the votes of its shareholders to an amount not exceeding three millions of dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him; such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in section ninety-seven of chapter two of the Public Laws of one thousand nine hundred and one, for increase of capital

Stock vote.

stock. Each share subscribed shall be entitled to one vote in all

Minimum subscription.

the meetings of the stockholders of said company, and ten thousand dollars shall be the minimum subscription on which said company may be organized.

Books of subscription.

Sec. 4. That said incorporators shall have the power to open books of subscription, in person or by agents duly appointed by a majority of them, at such place or places as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient.

Meeting for organization.

Said incorporators may, when they deem proper, after seventy days' notice to the subscribers, call together the subscribers of

Directors.

said shares of stock at any place in or out of the State; and said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit; and at such meeting and all meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said directors shall thereupon proceed to elect

President and other officers.

one of their number president, and to elect such other officers as the by-laws of said company prescribe; and they may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in

Term of directors.

accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders shall direct, and the stockholders shall fix the time

Annual meetings.

and place of meeting. Said stockholders' meeting to be annually, but if the day of the annual election should under any circumstances pass without any election, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Election of directors.

Sec. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the persons receiving the greatest number of votes shall be duly elected directors; and at all elections and upon all

votes, when at any meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe. Verification of proxies.

Sec. 6. The board of directors may fill any vacancies that may occur in it during the period for which it has been elected. The president of the company and a vice-president shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer shall also be elected by the directors and may be one and the same person. In the absence of the president or secretary at any meeting of the directors, they may appoint a president or secretary *pro tempore* to fill his place, except when the vice-president is present; in that case the vice-president shall act. Vacancies. President and vice-president. Secretary and treasurer. President and secretary pro tem.

Sec. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company. Certificate and transfer of stock.

Sec. 8. The said company shall have power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed, or that may hereafter be constructed in this State or elsewhere. It shall have power to consolidate its franchises and property with any other road under such name as shall be agreed upon; it may assign or lease its property and franchises, or any part thereof, to any other railroad, and the road so leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though they had been originally held and constructed by the railroad so leasing or purchasing; and the road so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: *Provided*, nothing in this act shall be construed to allow the said railroad company to become the channel through which any competing railroad companies shall consolidate. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The said company may subscribe to the capital stock of any other corporation now in existence or hereafter perfected in this State or elsewhere, and hold shares in the same. It shall have power to use any section of its road before the whole of the same shall have been completed, and charge for transportation of passengers and freight thereon. Purchase, lease, sale and consolidation. Proviso: consolidation of competing roads forbidden. Powers exercised by directors. Subscriptions to other companies.

Sec. 9. The said company shall have the right, when necessary, to construct its said road across any public road or other rail- Right to cross roads and railroads.

Proviso: obstructions to public roads.

road, or alongside any other public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company, and which has been accepted by the board of county commissioners.

Procedure for condemnation of lands.

Sec. 10. Whenever from any cause, the said railroad company cannot agree with the owners of the land over which the railroad shall go, for the purchase of the land for the right-of-way, yards, shops, depots or other railway purposes, the said company may proceed to condemn and enter the same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five, and amendments thereto, or may file a petition before the Clerk of the Superior Court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plot thereof, as provided for in the Revisal of one thousand nine hundred and five. The Clerk of the Superior Court shall thereupon issue a summons or notice to the owner with a copy of the petition and plot returnable to a day certain after ten days' notice, and after a hearing shall, if not sufficient cause is shown against granting the prayer of the petitioner, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and after being duly sworn assess the damage of the land or right-of-way taken. In assessing the damages, the persons or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto; but general benefits pertaining to the public shall not be considered in reduction of damages. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises; said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court in term-time from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk.

Appeals.

Limit of power of condemnation.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of not less than fifty feet on each side of its road-bed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grade, but for yards, shops and depots it may condemn as much land as may be necessary for such purposes, not to exceed five acres, and to properly care for the business expected to be handled by the company, and in all cases where lands or rights-of-way have been con-

demned and where the owner shall petition for assessment of damages within five years from condemnation and occupation, and not after, except in case of legal disabilities, and in such case within two years from the removal of such disabilities.

Counties, townships, cities or towns may subscribe to stock.

Sec. 12. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of the said company, or for bonds issued by the same, in the following manner: Upon presentation of writing, signed by not less than fifty freeholders and resident tax-payers of the county, township, city or town to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock or bonds of said company, the board of county commissioners of said county, or proper authorities of said city or town, may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote, who are in favor of such subscription, shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house door of said county and at every polling place of said county, township, city or town where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town.

Method of calling election.

New registration.

Election to be ordered.

Ballots.

Law governing elections.

Notice of election.

Returns.

Bonds to be issued.

Sec. 13. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county or proper authorities of said city or town shall immediately make such subscription and shall issue such coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued. They shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate.

Denominations.

Maturity and interest.

Special tax for interest and sinking fund.

Sec. 14. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay for the interest on the bonds issued on account of such county, township, city or town; and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which they were levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

Collection and settlement of taxes.

Power of company to issue bonds.

Sec. 15. It shall be lawful for the said Raleigh and Western Railway Company, chartered by this act, to issue coupon bonds in such denominations and running for such a time and bearing interest at such a rate and payable at such time and at such places as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all the franchises and privileges; or in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Forsyth County, and upon registration in Forsyth County and counties through which said road passes, it shall be a lien on such property and franchises conveyed in such mortgage.

Mortgage.

Registration of mortgage.

Convicts to be furnished.

Sec. 16. That the board of directors of the penitentiary may, on the application of the president of said company, approved by the Governor, turn over to said company convicts not otherwise appropriated, not less than two hundred and fifty in number, to be worked in construction of said road, on such terms as may be agreed upon; the said convicts to be guarded and superintended by the authorities of the penitentiary and to be hired to said company as provided by law.

Sec. 17. That the stockholders of said company, with the private citizens or other corporations, public, private or municipal, shall not be personally liable for the debts of said company.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 388.

AN ACT FOR THE GOVERNMENT OF THE TOWN OF BEAUFORT, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the corporate powers and authority granted to the town of Beaufort shall be vested in and exercised by a mayor and eight (8) commissioners. No person shall be eligible as mayor or commissioner unless he shall be eligible as a member of the Legislature of this State, and shall have resided within the town ninety days next preceding the election, and every commissioner elected by the people shall be a resident of the ward for which he shall be chosen sixty days next preceding the day of election. Town government. Eligibility of mayor and commissioners.

Sec. 2. That the commissioners shall be elected on the first Tuesday of May, one thousand nine hundred and seven, and every year thereafter by the qualified voters of each ward respectively as hereinafter set forth in the several sections of this act. Election of commissioners.

Sec. 3. That no person shall be entitled to register and vote in said town of Beaufort in any other ward than the one in which he is an actual and *bona fide* resident on the day of election; that every elector shall have resided in the ward in which he offers to vote sixty days prior to the registration, and in the State two years, and county six months; that the registration books shall be open for the registration of electors for three days, Thursday, Friday and Saturday, next preceding the day of election; and that all challenges shall be on the day of election. Qualifications for voters. Registration.

Sec. 4. That the registrars and poll-holders shall be appointed by the mayor and commissioners at least thirty days preceding the day of election, and shall consist of one registrar and two poll-holders of different political persuasion, and who shall be able to read and write and be otherwise competent to fill said position. Registrars and poll-holders.

Sec. 5. That the First Ward shall elect three (3) commissioners; the Second Ward shall elect two (2) commissioners; the Third Ward shall elect one (1) commissioner. That the commis- Commissioners from wards.

Commissioners at large.

sioners as above elected in the First and Second Wards shall appoint two commissioners at large, one each from the Second and Third Wards. The commissioners thus elected shall within five days after their election qualify by taking the oath of office before some officer qualified to administer oaths.

Election of mayor.

Sec. 6. That on the first Monday in May, one thousand nine hundred and seven, and every two years thereafter the mayor shall be elected by the qualified voters of said town in an election to be held on said date for election of mayor and commissioners of said town of Beaufort.

Mayor to qualify.

The mayor shall duly qualify by taking the oath of office before some officer qualified to administer oaths, within three days after his election, and thus elected and qualified shall preside at all meetings and in case of a tie

Terms of office.

shall give the casting vote. The board of commissioners and mayor thus elected shall hold their offices for the term of one year, or until their successors are elected and qualified. All vacancies on the board shall be filled by the commissioners.

Wards.

Sec. 7. That the town of Beaufort shall be divided into three wards bounded as follows, to-wit: the First Ward shall consist

First ward.

of that part of the town included within these boundaries: Beginning at the west end of Broad Street and running east with Broad Street to Craven Street; thence with Craven Street to Front Street, and thence with the water westwardly to the begin-

Second ward.

ning; the Second Ward shall consist of that part of the town included within these boundaries: beginning at the junction of Craven and Front Streets, and running with Craven Street to Broad Street, and thence with Broad Street east to the town limit, thence south to Front Street, thence westwardly with the

Third ward.

water to the beginning; the Third Ward shall consist of that part of the town within these boundaries: all of that part of the town of Beaufort north of Broad Street.

Polling place.

Sec. 8. That the election shall be held at the Town Hall, except in case of fire or other good cause, when the registrar and

Separate boxes.

poll-holders may move to some other convenient place; that the vote shall be cast in separate boxes for each ward properly and

Hours for registration.

legibly labeled; that the hours for registration shall be from eight o'clock in the morning to five o'clock in the evening of each

Hours of voting.

day; that the polls shall be opened at seven o'clock in the morning and closed at sundown of the same day.

Sec. 9. That chapter ninety-six, Laws one thousand eight hundred and ninety-nine, and chapter twenty-three, Laws one thousand nine hundred and three, and all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed.

Sec. 10. That this act shall go into effect at the next general election of the town of Beaufort to be held on the first Tuesday in May, one thousand nine hundred and seven (1907).

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 389.

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF LAKE LANDING GRADED SCHOOL DISTRICT, IN HYDE COUNTY, THE QUESTION WHETHER OR NOT SAID SCHOOL DISTRICT SHALL BE ABOLISHED.

Whereas, chapter three hundred and fifty-one, Private Acts of North Carolina for the year one thousand nine hundred and five, established a graded school in Lake Landing Township, in Hyde County, known now as the Lake Landing Graded School District; and whereas, under authority of said act an election was held on the first Monday in May, one thousand nine hundred and five, at which a majority of the voters in said district voted for the establishment of said school; and whereas, since that time a portion of the people of said district have become dissatisfied and have petitioned this General Assembly through their representative to abolish said public school district: now, therefore, Preamble. Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of the said Lake Landing Graded School District shall on Tuesday, the twenty-first day of May, one thousand nine hundred and seven, submit to the qualified voters of the said graded school district the question of abolishing the said graded school. The trustees shall give thirty days' notice of said election by publication at four public places in said district and at the court-house door in Swan Quarter. The said board of trustees shall select three men of the qualified voters of said district, one of whom they shall appoint as registrar and the other two poll-holders, to hold said election, and these three shall hold said election and shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of county officers, and the qualified voters of said district shall vote at said election on the said twenty-first day of May, one thousand nine hundred and seven, tickets on which shall be written or printed the words "For Graded School" or "Against Graded School," and the result of the election shall be declared by the same rules as govern the election of county officers. The said election shall be held at the usual precinct polling place at Lake Landing. Date for election. Notice of election. Registrar and poll-holders. Law governing election. Tickets. Polling place.

Sec. 2. That if the majority of the qualified voters in said district shall vote at said election "For Graded School," then the said graded school district shall remain as established by chapter three hundred and fifteen, Private Laws of one thousand nine hundred and five; but, if a majority of the qualified voters of said district shall vote "Against Graded School," then the said graded school district shall be abolished, and the board of trustees thereof is hereby fully authorized, empowered and directed to sell the said graded school building and lot at public auction to the highest Result of election. Disposition of building and lot.

bidder for cash, after advertising the same for thirty days at the court-house door in Swan Quarter and at three other public places in Hyde County, and turn over the proceeds from the sale of the said building and lot, together with any other funds in its hands belonging to the said district, to the Board of Education of Hyde County: *Provided*, that if, in the opinion of said board, or a majority thereof, no reasonable offer is made for said property, then it may turn said property over to the county board of education to be disposed of as it may see proper.

Election on roads.

Sec. 3. That at the same time and place at which an election is held under this act for the continuance or abolishment of the Lake Landing Graded School District, there shall be held an election by the qualified voters of said district to determine whether or not new public roads shall be constructed through the said school district for the convenience of the patrons of the school and the children attending the same. The registrar and pollholders shall provide a box in which the voters shall vote tickets on which shall be written or printed "For Roads" or "Against Roads," and if a majority of the voters of said Lake Landing Graded School District shall vote "For Roads," then it shall be the duty of the board of trustees of the said district or a majority of them to request the board of county commissioners to construct public roads from the school to such points in the district as the said board of trustees deems necessary and proper, and it shall then be the duty of the board of county commissioners and it is hereby required and directed to acquire by condemnation or otherwise the necessary property and construct the said public roads as requested.

Ballot boxes.

Tickets.

Roads to be constructed.

Sec. 4. All laws or clauses of laws in conflict with this act are hereby repealed.

Sec. 5. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 390.

AN ACT TO AMEND CHAPTER 763 OF THE PUBLIC LAWS OF 1905, BEING AN ACT TO ESTABLISH RUFFIN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Time for qualification of trustees.

Section 1. That chapter seven hundred and sixty-three of the Public Laws of North Carolina be amended by adding after the word "successors" in line eleven and before the word "when" in said line in section two of said act, the following words: "which

qualification shall hereafter take place on the last Saturday in May succeeding the election."

Examination of teachers.

Sec. 2. That section three of said chapter be amended by inserting between the words "schools" and "the," in line seventeen thereof, the following words: "*Provided*, the teachers employed in said school shall be examined by the County Superintendent of Public Schools of Rockingham County."

Listing taxes.

Sec. 3. That said act be further amended by adding at the end of section three and before section four the following words: "and the tax-listers of Rockingham County shall list the property of said school district for the purposes of this act, and shall be paid therefor by the said Ruffin Graded School District at the price that shall be paid said listers by said county."

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 391.

AN ACT TO RE-ESTABLISH A FREE SCHOOL DISTRICT IN CROOKED CREEK TOWNSHIP, McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

County board of education authorized.

Section 1. The county board of education is hereby authorized and empowered to create a free school district in Crooked Creek Township, McDowell County, which district shall embrace all the territory formerly included in what was designated as Free School District Number Three (3) in said township.

General law to apply.

Sec. 2. That the free school district established by section one of this act shall be provided for as other school districts under the general school law of the State, and be subject to the provisions thereof.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 392.

AN ACT TO MERGE AND CONSOLIDATE RUNNYMEDE HOSIERY MILLS AND THE RUNNYMEDE LAND COMPANY, TWO CORPORATIONS OF THE COUNTY OF EDGECOMBE, INTO ONE CORPORATION.

Preamble.

Whereas, on the seventeenth day of April, one thousand nine hundred, there was duly incorporated by the Clerk of the Superior Court of Edgecombe County, under and by virtue of the laws of North Carolina, the Tarboro Knitting Mills, with the right from time to time to increase its capital stock to one hundred thousand dollars; which said corporation by due process of law changed its corporate name from Tarboro Knitting Mills to Runnymede Hosiery Mills on the twenty-ninth day of December, one thousand nine hundred; and whereas, there was duly incorporated by the said Clerk of the Superior Court of Edgecombe County by the corporate name of Runnymede Land Company, on the thirty-first day of July, one thousand nine hundred, another corporation with the power to increase its capital to one hundred thousand dollars; and whereas, both of said corporations were duly organized under their respective charters, and are now doing business at Runnymede, in Edgecombe County, as such corporations, and have acquired property and franchises worth one hundred and twenty thousand dollars, of which the sum of eighty thousand dollars is the value of the property and franchises of Runnymede Hosiery Mills, and the sum of forty thousand dollars is the value of the property and franchises of Runnymede Land Company; and whereas, by a unanimous vote of all the stockholders of each of said corporations it has been desired that the said two corporations be merged into one corporation, to be known and exist under the corporate name of Runnymede Mills, Incorporated, with a paid-up capital of one hundred and twenty thousand dollars, divided into twelve hundred (1,200) shares of the par value of one hundred dollars each, four hundred (400) shares to be issued to the stockholders of Runnymede Land Company in proportion to the interest each now has in said corporation and eight hundred (800) shares to be issued to the present stockholders of Runnymede Hosiery Mills, in proportion to the interest each now has in the corporation. That all the property of every kind belonging to Runnymede Land Company and Runnymede Hosiery Mills shall be duly conveyed to the said Runnymede Mills, Incorporated, and all franchises and choses in action of Runnymede Land Company and Runnymede Hosiery Mills are to vest in and be the property of the Runnymede Mills, Incorporated, and Runnymede Mills, Incorporated, is to assume and pay off all debts of

the Runnymede Land Company and Runnymede Hosiery Mills, and have all the rights and appurtenances granted both corporations in their said charters: therefore,

The General Assembly of North Carolina do enact:

Merger of rights and franchises authorized.

Section 1. That Runnymede Hosiery Mills and Runnymede Land Company be and they are hereby authorized and empowered to merge their rights and franchises and become one corporation with a paid-up capital of one hundred and twenty thousand dollars ($120,000), to be represented by twelve hundred (1,200) shares of stock of the par value of one hundred dollars ($100). Each and all certificates of stock heretofore issued by each of said corporations shall be surrendered to the new corporation and be cancelled.

Capital stock.

Stock issued in proportion to existing rights.

Sec. 2. That the twelve hundred shares of capital stock of the new corporation shall be issued, eight hundred (800) shares to the stockholders of Runnymede Hosiery Mills in proportion to the interest each now holds in said Runnymede Hosiery Mills, and four hundred (400) shares to the stockholders of Runnymede Land Company in the proportion to the interest each now holds in said Runnymede Land Company.

Corporate name.

Principal place of business.

Corporate powers.

Sec. 3. The corporate name of the new corporation shall be Runnymede Mills, Incorporated, and its principal place of business shall be Runnymede, near the town of Tarboro in the county of Edgecombe, State of North Carolina; under the corporate name of Runnymede Mills, Incorporated, it shall have all the rights and privileges and appurtenances and shall be subject to all burdens and liabilities heretofore belonging to and resting upon the two corporations, before this known as the Runnymede Hosiery Mills and Runnymede Land Company, to-wit: (a) It shall have the power to sue and be sued in all the courts of this State, State and Federal; (b) It shall be liable for all debts now owing by the Runnymede Hosiery Mills and Runnymede Land Company, and entitled to collect, receipt in discharge of, sue for and recover judgment for debts and claims, choses in action, due or to become due Runnymede Hosiery Mills and Runnymede Land Company; (c) It shall have the power to engage in the manufacturing of hosiery, underwear and all products usually manufactured from cotton, to buy, sell and rent real estate, own and operate dye plants, and all other things thereto appertaining or appurtenant; to erect tenant houses and rent out the same, to hold, own, transfer, lease and let out again both real and personal property, to build, equip and operate factory plants of any kind, to build, maintain and operate a store or stores of general merchandise; to develop in such manner as shall seem best all realty owned or controlled by it; to borrow money from time to time, issuing bonds secured by mortgage upon the property therefor; to invest the capital paid in and all moneys accumulated in such manner as

it shall deem prudent, and may buy real or personal estate, bonds, mortgages and stock securities and have power to resell and convey the same and to do generally all acts and things necessary and proper to be done in the judgment of its officers charged therewith, to expedite and successfully conduct the various businesses of said corporation.

Real estate to be conveyed.

Sec. 4. That upon the ratification of this act, or as soon afterwards as convenient, all the real estate and personal property now belonging to Runnymede Hosiery Mills and the Runnymede Land Company shall become the property of the Runnymede Mills, Incorporated, and to that end George Howard, President, and Job Cobb, Secretary of Runnymede Hosiery Mills, are authorized and directed to convey by good and sufficient deed in the name of Runnymede Hosiery Mills all the real estate now belonging to said Runnymede Hosiery Mills to the Runnymede Mills, Incorporated, and its successors, and Henry T. Bryant, President, and George Howard, Secretary of Runnymede Land Company, are authorized and directed to convey by good and sufficient deed in the name of Runnymede Land Company all the real estate belonging to said Runnymede Land Company to the Runnymede Mills, Incorporated, and its successors, which said deeds shall be good in law and vest the fee-simple title to said lands in Runnymede Mills, Incorporated.

Personal property to be delivered.

Sec. 5. That the officers and board of directors of Runnymede Land Company shall upon the ratification of this act deliver to the officers and board of directors of the Runnymede Hosiery Mills all properties real and personal, choses in action, books and book accounts belonging to Runnymede Land Company, and the officers and directors of Runnymede Hosiery Mills shall be and act as officers and directors of Runnymede Mills, Incorporated,

Conduct of business ad interim.

and have power to operate and conduct the business of the same from the ratification of this act until there shall be a meeting of the stockholders of the Runnymede Mills, Incorporated, which shall be held in Tarboro, North Carolina, within twenty days from

Election of new officers.

said ratification, and at such meeting the said stockholders shall elect such officers and managers of said corporations as they shall deem best; to whom the acting officers and directors shall deliver all the properties, accounts, choses in action and books of every kind in their possession belonging to said corporation, as provided in this act; said stockholders may make such rules, regula-

Rules, regulations and by-laws.

tions and by-laws for the operating and conducting the business of said corporation as to them may seem proper, and do all acts and things for the purpose of successfully conducting their corporate business not contrary to law.

Sec. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 393.

AN ACT TO AMEND CHAPTER 138 OF THE PRIVATE LAWS OF 1903, ENTITLED AN ACT TO INCORPORATE THE PRESBYTERIAN HOSPITAL OF CHARLOTTE, N. C.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and thirty-eight (138) of the Private Laws of one thousand nine hundred and three (1903), entitled "An act to incorporate the Presbyterian Hospital, of Charlotte, North Carolina," be and the same is hereby amended as follows:

(1) By adding after the word "trust," in the last line of section one (1) of said act, the following: "and particularly shall have power, by and with the consent and approval of the majority of its board of trustees, to borrow such sum or sums of money at such time or times and upon such terms as said board may deem advisable, for the purpose of purchasing or erecting and equipping a suitable hospital or hospital building, and to execute such bonds or other obligations and deed or deeds of trust or mortgage upon its real or personal property for the purpose of securing the repayment of the money so borrowed and evidenced by said bonds or other obligations as the said board shall deem necessary and proper, and to do any and all things required to be done to carry out the provisions and objects of its charter." Power to borrow money.

(2) By striking out all of the second section of said act after the word "Charlotte," in the sixth line of said section, and substituting in lieu thereof the following: "one from St. Paul's Presbyterian Church, and the seven trustees shall constitute the board of trustees of said hospital: *Provided*, that any Presbyterian Church hereafter founded in Charlotte, N. C., shall have the right to elect one trustee to be added to those above named: *Provided further*, that any other Presbyterian Church or Associate Reformed Presbyterian Church within the bounds of Mecklenburg Presbytery may, by and with the consent of two-thirds of said board of trustees, elect one trustee of said hospital, to be added to those above named. The term of office of the trustees so elected by the Sessions of said churches shall be for two years, and all vacancies shall be filled by the Sessions appointing them. Until the board of said trustees shall be increased in the manner herein authorized, four members of said board shall constitute a quorum for the transaction of business, and in case the board of trustees shall be increased in the manner herein authorized, then the board shall by its by-laws fix the number constituting such quorum." Board of trustees. Proviso: additional trustees. Proviso: other additional trustees. Term of office. Vacancies. Quorum.

(3) Strike out section three of said act, and substitute in lieu thereof the following: "Sec. 3. The object of the hospital shall Object of hospital.

be the treatment of diseases, the training of nurses and the doing of such other things that are usually done in first-class institutions of this kind. And the charity patients of the hospital may be used as clinical material by the North Carolina Medical College upon such terms and conditions as may be mutually agreed upon by the trustees of said hospital and the faculty of said college."

Charity features.

(4) Strike out section four of said act, and substitute in lieu thereof the following: "Sec. 4. The charity features of the hospital shall have such prominence as the revenue of and donations to the institution may justify, and all revenues not otherwise used and appropriated by the trustees shall be used for charity purposes, and all donations as specifically directed by the donors."

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1907.

CHAPTER 394.

AN ACT TO AUTHORIZE THE TARBORO SCHOOL BOARD TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the said Tarboro School Board is hereby authorized to issue coupon bonds not to exceed in amount the sum

Amount and denominations. Interest.

of twenty-five thousand dollars ($25,000) and in denominations of one hundred dollars or multiples thereof, bearing interest from date of bonds at a rate not exceeding six per cent. per annum, payable semi-annually, on the first day of January and the first day of July each year, at such place as said Tarboro School Board

Maturity.

may designate, until the said bonds are paid; that the said bonds shall be made payable at a time and place to be fixed by said Tarboro School Board, not to be less than five years nor more

Authentication.

than thirty years from the date of issue. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the chairman of said Tarboro School Board and countersigned by its secretary, and have the corporate seal of said board affixed thereto, and the coupons thereto attached shall be signed by the

Record.

chairman of said board. A record shall be kept of the said bonds, showing the numbers and denominations thereof, and to whom sold, the date of issue and when the same shall mature, and the interest-bearing rate thereof, the amount received from

the sale of the same, the date of payment and such other data in relation to the same as the said board may direct to be kept.

Sec. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said Tarboro School Board shall not deliver said bonds or any of them to the purchaser thereof until the purchase money shall be paid to the treasurer of said board, and his receipt to the purchaser produced as evidence of said payment, and the treasurer of said board shall receive all moneys paid in the purchase of all bonds issued under and pursuant to this act, and keep the same separate and apart from all other moneys by him received until said moneys are disbursed as in this act provided, and under order from said Tarboro School Board, as well as all moneys that may come into his hands under and by virtue of the tax hereinafter levied, and it shall be the duty of the said board to see that the treasurer to said board shall execute bond sufficient in amount and with satisfactory sureties to provide against any loss of any and all moneys coming into the hands of said treasurer under and by virtue of this act, by and through any neglect or default on the part of said treasurer, and to that end may require said treasurer to renew the bond herein provided for, and in default thereof may remove him from his office as treasurer of said board.

Sale and delivery of bonds.

Proceeds to be kept separate.

Treasurer to give bond.

Sec. 3. That the said Tarboro School Board shall have power to fix the compensation of the treasurer for performing the duties conferred upon him by this act.

Compensation of treasurer.

Sec. 4. That all moneys arising as proceeds from the sale of bonds herein authorized to be issued shall be expended by the said Tarboro School Board in locating the Eastern Training School established at the present Session of the Legislature, one thousand nine hundred and seven, at some point in Tarboro Township.

Appropriation of proceeds.

Sec. 5. That, for the purpose of providing for the payment of said bonds and the interest thereon, the Board of Commissioners of Edgecombe County shall annually, commencing with the first day of June, one thousand nine hundred and seven, levy and lay a particular tax on all persons and subjects of taxation within the limits of Tarboro Township on which the said board of county commissioners may now or hereafter be authorized to levy taxes for any purposes whatever; said particular tax to be not more than twenty cents on the one hundred dollars' assessed value on property and sixty cents on each taxable poll.

Particular tax for bonds.

Tax limit.

Sec. 6. That said taxes shall be collected by the Sheriff of Edgecombe County at the time and in the manner that State and county taxes are collected, and the said sheriff shall pay over to the treasurer of said Tarboro School Board, who shall keep such money separate and apart from all other moneys by him received.

Collection and settlement of taxes.

Act to be submitted to voters.

Sec. 7. That this act shall be submitted to the qualified voters of Tarboro Township for their ratification or rejection at an election to be held in said township at such time as the Board of Commissioners of Edgecombe County shall appoint, within six months after the ratification of this act. The said election shall be advertised by the board of commissioners for thirty days prior to the election in one or more newspapers published in said township, and the said election shall be held under the rules, regulations and directions existing by law for the election of members of the House of Representatives. At said election those who are in favor of issuing said bonds shall vote "Approved," and those who are opposed shall vote "Not Approved," on written or printed ballots. The number of ballots cast for and against said bonds shall be counted, and the result of the said election certified and returned to the Register of Deeds of Edgecombe County, who shall furnish to the chairman of said Tarboro School Board a certified copy of said return under seal, and also send a like copy of said return to the Secretary of State, which said Secretary shall file in his office. If at the election a majority of the qualified voters shall vote "Approved," then the said board of school trustees shall proceed at once to issue and sell said bonds, or so many thereof as may be necessary in the judgment and discretion of said board for the purposes aforesaid.

Advertisement of election.

Law governing election.

Ballots.

Certificate and return of election.

Result of election.

No election under certain circumstances.

Sec. 8. That should said Tarboro School Board be unable to locate said Eastern Training School in said Tarboro Township, Edgecombe County, and so discover the same before said election is held, then it shall notify the Board of Commissioners of Edgecombe County of its inability so to locate the school, and then the commissioners of the county as aforesaid shall not order an election as herein directed, or should the said Tarboro School Board discover after said election that said Eastern Training School cannot be located in said Tarboro Township, of the county aforesaid, then said school board shall not issue or sell said bonds, and this act is to be void and of no effect.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 395.

AN ACT TO AUTHORIZE THE TOWN OF ROWLAND TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That at the same time, at the same place, in the same manner and under the same laws as are provided for the town elections for the town of Rowland, and at the first municipal election held after the passage of this act, the board of commissioners shall submit to the qualified voters of the town of Rowland the question of whether or not said town shall contract a bonded indebtedness to an amount of not less than five thousand dollars or more than twelve thousand five hundred dollars to erect or purchase school buildings or property for said schools in said town for the better education of the children of said town. Those favoring said special tax and said bonded indebtedness shall vote a ballot upon which shall be written or printed the words "For Special Tax and Bonds," and those who oppose said special tax and bonded indebtedness shall vote a ballot upon which shall be written or printed the words "Against Special Tax and Bonds." If a majority of the qualified voters shall vote in favor of said special tax and bonds, the commissioners shall issue said bonds and levy a tax sufficient to meet the interest and principal thereof when due. Election to be held. Question to be voted on. Ballots.

Sec. 2. That the first election under this act shall be held as hereinbefore provided, and if at such election a majority of the qualified voters of said town shall not vote in favor of said special tax and said bonds, then the commissioners of said town shall at any time and as often thereafter as they may deem best, upon the petition of one-fourth of the qualified voters of said town, order another election to be held under the rules and regulations prescribed by law for the election of town commissioners, after thirty days' notice thereof of the date of each said election as hereinafter provided, again submit the question of said special tax and bonds to the voters of said town. The vote shall be by ballot as hereinbefore directed, and if at any such election a majority of the qualified voters shall cast ballots in favor of the issuance of said bonds and of said special tax as aforesaid, then said tax shall be levied and said bonds issued as herein provided for, and the money applied to the purposes and upon the terms and conditions as herein stated. First election. Subsequent elections. Notice of election. Ballots. Effect of election.

Sec. 3. That prior to and for four weeks immediately preceding the holding of any election under this act, the Commissioners of the Town of Rowland shall cause to be published in some newspaper published in Robeson County, North Carolina, a notice stating the time and place at which said election will be held, Election to be advertised. What notice to state.

the purpose for which it is to be held; that it will give authority to the Board of Commissioners of the town of Rowland to levy a special tax for the payment of the interest and principal on bonds hereinafter referred to at a rate not to exceed one dollar on each and every one hundred dollars of property taxable in the town of Rowland and three dollars on each and every poll; that it will further authorize the issuance of a bonded indebtedness for the town of Rowland for said schools, not to exceed twelve thousand five hundred dollars, and not less than five thousand dollars, drawing interest at the rate of not more than six per cent. per annum, payable semi-annually, and those who are in favor of said special tax and said bonds shall vote a ballot upon which shall be written or printed the words "For Special Tax and Bonds," and those who oppose said special tax and bonds shall vote a ballot upon which shall be written or printed the words "Against Special Tax and Bonds," that said notice or advertisement shall also be posted at the court-house door in the town of Lumberton and at four prominent places within the corporate limits of the town of Rowland, and a copy of the same made a part of the minutes of the board of commissioners of said town.

Bonds to be issued.

Sec. 4. That if a majority of the qualified voters of said town shall vote in favor of said special tax and bonds, then it shall be the duty of the Board of Commissioners of the Town of Rowland to issue coupon bonds, in the name of the Town of Rowland, and in such denominations and in such form as said board of commissioners may determine, to an amount not exceeding twelve thousand five hundred dollars, and not less than five thousand dollars, and for the purposes hereinafter specified, which bonds are to bear interest from their date at a rate not exceeding six per cent. per annum, payable semi-annually, to be payable thirty years after their date at such place as the board of commissioners may determine. That said bonds shall be signed by the mayor of the town; attested by the clerk and treasurer and issued under the corporate seal of the said town, and the interest upon said bonds shall be evidenced by interest-bearing coupons thereto attached in the usual form, and the said bonds when issued and the interest accumulating thereon shall be fully binding upon the said town and its property and shall show upon their face that they were issued for the purchase of school property: *Provided, however,* that the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money to said purposes.

Amount.

Interest.

Maturity.

Authentication.

Proviso: purchaser.

Delivery and sale of bonds.

Sec. 5. That the said bonds when issued shall be delivered to the clerk and treasurer of said town, by him to be sold and converted into money, and the proceeds thereof deposited under the direction of the Commissioners of the Town of Rowland for the purpose of purchasing school property, erecting buildings and for equipping said schools; that the interest on the said bonds shall

Interest payable.

be payable semi-annually at the Bank of Rowland in said town on the first days of January and of July of each year, until said bonds shall be paid; that the coupons shall be received in payment of tax, polls and debts due said town; that the said bonds shall not be sold for less than their par value: *Provided*, the board of commissioners may authorize the clerk and treasurer to pay a reasonable commission for the sale of said bonds if it shall be necessary to do so, the same not to exceed five per centum of the par value of the bonds issued.

Coupons receivable for taxes.

Commission on sale.

Sec. 6. That in order to pay interest on said bonds and to create a sinking fund for the payment of the principal at their maturity or redemption, the board of commissioners of said town is hereby authorized, and it shall be its duty to annually compute and levy at the time of levying of the taxes of said town, sufficient special tax upon the real and personal property within the corporate limits of said town and other subjects of taxation therein, and on the polls of said town, always observing the constitutional equation between taxes on property and taxes on polls, with which to regularly and promptly pay the interest on said bonds and create a sinking fund as hereinafter provided: *Provided, however*, that the total tax levied for the payment of said interest and principal of said bonds shall not exceed one dollar on each and every one hundred dollars' worth of real and personal property and three dollars on each and every poll.

Special tax for interest and sinking fund.

Proviso: tax limit.

Sec. 7. That said special tax shall be collected at the same time and as other *ad valorem* taxes of said town are collected, and shall be paid over by the tax collector of said town to the treasurer of said town, both of which officers shall give sufficient bonds, the former for the collection of said taxes and paying them over as aforesaid, and the latter for their safe keeping and proper disbursement. The amount of bond of the tax collector shall be fixed by the board of commissioners, and of the clerk and treasurer by the school trustees.

Collection and payment of taxes.

Bond of tax collector and treasurer.

Sec. 8. That the taxes levied and collected for this purpose shall be kept separate and distinct from all other taxes, and shall only be used for the purposes for which they were levied and collected, and any officer of the town who shall appropriate or attempt to appropriate, by vote or otherwise, directly or indirectly, to any purpose or use other than that for which it was levied, said special tax or any part thereof, shall be guilty of a misdemeanor.

Separate funds.

Misappropriation a misdemeanor.

Sec. 9. That the said special tax when collected shall be deposited in the Bank of Rowland; that portion which is deposited for the credit of the bonds shall be deposited in the name of the Bond Fund of the Town of Rowland.

Deposit of tax.

Sec. 10. That on or before the first day of January and the first day of July of each and every year, the Clerk and Treasurer

Statements filed by clerk and treasurer.

of the Town of Rowland shall submit to the Cashier of the Bank of Rowland a statement showing the number of bonds outstanding and the coupons due and payable on said dates, together with the amount of interest thereon, together with the proper authority to said cashier to pay said coupons upon presentation of the same to him. And after the first of January and July of each and every year, when interest has become due, such funds as shall be in hand after the payment of said interest shall be placed to the credit of the fund to be known as the sinking fund, and the same shall be added to and made a part of the sinking fund and shall be invested as hereinafter provided.

Amounts carried to sinking fund.

Control and investment of sinking fund.

Sec. 11. That the sinking fund of the town of Rowland shall be under the direction and control of the commissioners of said town, and shall be invested in safe interest-bearing securities or other safe investments, which shall be made and approved by the mayor and board of commissioners, and that said funds shall be used whenever possible in the redemption of any of said bonds which shall not have matured. That the said board of commissioners shall publish as a part of the annual statement required to be published by the town of Rowland a statement showing how and in what said funds are invested; the names of the persons, firms or corporations holding the same, the rate of interest paid thereon, and shall further certify that the said investments are approved by the said mayor and each of the commissioners of said town.

Statements to be published.

Commissioners and officers not to be interested.

Sec. 12. That no commissioner or other officer of said town, or any person connected with the government of said town or with said Rowland School District, shall be personally or pecuniarily interested, either directly or indirectly, in the investment of said funds or in the proceeds thereof, and that in the event such contract shall be made the same shall be void and unenforcible, and any officer of said town who shall be interested in the same, as hereinbefore provided, shall be guilty of a misdemeanor.

Misdemeanor.

Exemption from town tax.

Sec. 13. That the bonds authorized to be issued by this act and their coupons shall not be subject to taxation by said town until after they become due or tender of payment shall have been made by the town through the treasurer, and the coupons shall be received in payment of town taxes for any fiscal year in which they shall become due, or thereafter; and if the holders of any of said bonds or coupons shall fail to present the same for payment at the time or times and place herein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Parts of former law applicable.

Sec. 14. That the provisions of chapter two hundred and sixty-six of the Private Acts of one thousand eight hundred and eighty-nine of the General Assembly of North Carolina, in regard to the method of collection of taxes and the sale of property for delin-

quent taxes, and any and all other provisions of said act in regard to levying, collecting and enforcement of lien and sale of property for taxes are hereby made a part of this act, and the Board of Commissioners of the Town of Rowland is hereby fully authorized and empowered to enforce the same for the purpose of collection of the special tax as herein provided for to the same extent and in the same manner and with the same powers as it could collect and enforce collection of other taxes as provided for in said chapter two hundred and sixty-six, Private Acts of one thousand eight hundred and eighty-nine.

Right to condemn lands.

Sec. 15. That the Commissioners of the Town of Rowland shall have the right to institute and prosecute condemnation proceedings to their final determination for the purpose of acquiring any lands or other property within the town of Rowland which may be necessary for said schools. The said condemnation proceedings shall be conducted in the manner provided for in section thirty, chapter two hundred and sixty-six, Private Acts of eighteen hundred and eighty-nine of the General Assembly of North Carolina.

Procedure.

Sec. 16. That section thirty-five of chapter two hundred and sixty-six, Private Acts of eighteen hundred and eighty-nine, be amended by adding at the end of said section and after the words county purposes": "*Provided further*, that the Board of Commissioners of the Town of Rowland may levy a special tax not exceeding one dollar on each and every poll in addition to the taxes herein provided for, whenever such special tax shall have been submitted to and approved by a majority of the qualified voters of the town of Rowland."

Proviso: special tax.

Sec. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 396.

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Sewer rentals.

Section 1. That section sixty-five of chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one, as amended by section three of chapter ninety-eight of the Private Laws of one thousand nine hundred and three, be repealed from and after June thirtieth, one thousand nine hundred and seven: *Provided*, that said repeal shall not in any

Proviso: rentals accrued to be due.

manner affect the collection of any sewer rentals due the city of Greensboro prior to said date, but said sewer rentals so accrued prior to said June thirtieth, one thousand nine hundred and seven, shall remain due and collectible, in like manner as if this act had not been passed.

Sec. 2. That section seventy-nine of chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one be and the same is hereby amended as follows: Strike out in line three of said section the words "said systems," and insert in lieu thereof the words "the light system, the waterworks system and the sewerage system of said city," and that said section seventy-nine be further amended by striking out in line five thereof the words "as to rates."

Water and light commission.

Appeals.

Sec. 3. That section one hundred, chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one, be and the same is hereby amended by adding after the words "not approved," in line ten thereof, the following: "The said board shall not have power to create any indebtedness unless authorized so to do by an election called and held in the manner hereinbefore specified: *Provided*, that nothing herein contained shall be so construed as to prevent or forbid said board to incur reasonable liabilities by way of contract, which may be paid off and discharged out of the current revenues to accrue during the term of office of said board, or to borrow reasonable sums of money, when necessary to anticipate the collection of taxes or the revenues to accrue during the said term of office as aforesaid."

Limit of power to create indebtedness.

Proviso: liabilities to be paid out of current revenues.

Sec. 4. That said chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one, as amended by section seventeen, chapter three hundred and seventy-one of the Private Laws of one thousand nine hundred and five, be further amended by adding to said act of one thousand nine hundred and one the following sections, to be known as sections one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven:

Street commission established.

"Sec. 122. That for the proper maintenance, construction and repair of the streets and sidewalks of said city, a commission to be known as the Street Commission is hereby established, which commission shall consist of three members, to be elected by the board of aldermen for terms of three years each, except that at the first election under this section the terms of office of said commissioners shall be for one, two and three years respectively, and in case of vacancy otherwise than by expiration of term, the board shall elect some person to fill out the unexpired term, and said commission shall organize by electing one of its members chairman, whose term as chairman shall be one year.

Election.

Term of office.

Vacancies.

Organization.

"Sec. 123. Said commission shall have entire supervision and control of the maintenance, construction and repair of the streets and sidewalks of the city: *Provided*, that any person may appeal from a ruling or order of said commission to the board of aldermen, and the decision of said board shall be final. Powers of board. Proviso: appeals.

"Sec. 124. That all funds raised by the board of aldermen, whether by taxation, special assessment or otherwise, and allotted by said board to the maintenance, construction or repair of the streets and sidewalks of said city, shall be kept in the hands of the city treasurer, but in an account separate from the other funds of the city, and shall be paid out only upon the order of said commission, and at the first regular meeting of said board of aldermen in May of each year, and quarterly thereafter, said commission shall report to said board an itemized statement of its receipts and disbursements to date, and shall recommend to said board a proper sum to be set apart by said board for carrying on the work of said commission for the ensuing quarter, and said commission shall not expend during any quarter any sum in excess of that set apart by said board for said quarter, without the express approval of said board. Street funds to be kept separate. Reports to board of aldermen. Recommendations. Limit on expenditures.

"Sec. 125. That said commission shall elect all officers, agents and employees necessary for the conduct of its work, and shall fix their compensation and may remove them for just cause, but the board of aldermen shall decide which of said officers, agents and employees shall give bond, and the amount thereof. Commission to elect officers, agents and employees. Compensation. Removal for cause. Bonded officers.

"Sec. 126. The board of aldermen may, if it sees fit, allow a remuneration to the members of said commission, but such remuneration shall continue only until a new board is elected and qualified. Remuneration of commissioners.

"Sec. 127. That any or all members of any commission created or authorized by the charter of the city of Greensboro shall be removed for just cause by a two-thirds vote of said board of aldermen, after notice and due hearing." Commissioners removable for cause.

Sec. 5. That section fifty-eight of chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one is hereby repealed. Street superintendent abolished.

Sec. 6. That section nine of chapter three hundred and seventy-one of the Private Laws of one thousand nine hundred and five be amended by striking out in line twelve thereof the words "November of the year in which said taxes are listed," and inserting in lieu thereof the words "January of the year next after the year in which said taxes are listed," and by striking out in line fifteen of said section the words "one per cent.," and inserting in lieu thereof the words "one-half of one per cent."

Sec. 7. That section sixty of chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one be amended by striking out the words "Board of Aldermen," at Street commission to provide penalties.

the end thereof, and inserting in lieu thereof the words "Street Commission."

Railroads crossing streets.

Sec. 8. That section ninety-seven of chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one be amended by striking out all after the word "supervision," in line eight thereof, and inserting in lieu thereof the words "of the street commission."

Sec. 9. That section one hundred and twelve of chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one be amended by adding at the end thereof the following: "and upon conviction shall be punished by a fine of not more than fifty dollars, or imprisonment not exceeding thirty days."

Punishment for violation of ordinance.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 397.

AN ACT TO INCORPORATE THE CASTALIA RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That S. J. Bartholomew, J. S. Batchelor, I. C. Braswell, G. D. Taylor, S. F. Austin and E. B. Grantham, their associates, successors and assigns are hereby created a body politic and corporate, with perpetual succession, under the name and style of The Castalia Railroad Company, and under that name may sue and be sued in any court of the State of North Carolina or elsewhere; may have and use a common seal; may acquire by purchase, gift, devise, lease or otherwise any real, personal or mixed estate, and lease or sell the same as the interest of the company may require; may acquire, own, operate or lease any quarries, mines, forests, lumber yards, or furnaces; may lease, buy or construct telegraph and telephone lines along or near its right-of-way and charge tolls under such rules and regulations as are prescribed by the law of this State, or at the option of its board of directors; may lease or rent these privileges to other corporate bodies or persons; may extend its main line to any point on the Seaboard Air Line Railroad in Wake, Franklin, Warren or Vance Counties; may build branch roads not extending more than fifty miles each from any point on its main line; may change the name of said company by a vote of a majority of its stockholders at a regular or special meeting, and may make all such by-laws for the government of said company as may be deemed proper and are not inconsistent with the law.

Corporate name.

Corporate powers.

Main line.

Branch roads.

Change of name.

By-laws.

Capital stock.

Sec. 2. That the authorized capital stock of said company shall be thirty thousand dollars ($30,000), with the privilege of increasing the same to one million dollars: *Provided*, that the taxes as provided by law be paid on every such increase to be divided into shares of one hundred dollars each. That said capital stock may be subscribed for and paid in money, lands, mines, mineral property, material, bonds, timber, labor, depot or terminal facilities, franchises, rights-of-way or otherwise as may be agreed upon between the subscriber or subscribers and the said company.

Proviso: tax on increase.

Payment of subscription.

Books of subscription.

Sec. 3. That books of subscription to the capital stock of said company shall be opened by the corporators, or a majority of them acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe. That as ten thousand dollars has been subscribed for, *bona fide*, to the capital stock, the said company is authorized to commence operations and to exercise all the rights, powers and privileges and franchises granted by this act, and said corporators or a majority of them acting in person or by proxy shall be authorized to call a meeting of stockholders for the purpose of organization at such place or places as they may deem advisable, giving ten days' notice thereof in some newspaper published in Nash County, and at such meeting and at each annual meeting thereafter a board of not less than five directors shall be elected by the stockholders. That said board of directors shall hold office for one year and until its successors are elected, and shall appoint a president, vice-president and such other officers, agents and employees as it may deem proper and fix their duties, and may fill any vacancy occurring in the office of director, president, vice-president or other office.

When company to commence.

Meeting for organization.

Notice of meeting.

Directors.

Term.

President and other officers.

Vacancies.

Further subscriptions.

Sec. 4. That after the organization of said company the president and board of directors may again from time to time open books of subscription to the capital stock of said company at such time and place and under such rules and regulations as it may prescribe. No stockholder shall be responsible for any amount greater than his unpaid subscription.

Responsibility of stockholders.

Power to locate, equip, maintain and operate railroad.

Sec. 5. That said company shall have the power to locate, construct, equip, maintain and operate a railroad for the transportation of freight, passengers, mail and express from Nashville, Nash County, and thence in a westerly direction to the town of Castalia; thence to some point on the Seaboard Air Line Railroad, after said road is constructed to Castalia, as shall be determined by said board of directors, and to build branch roads as above provided.

Beginning.

Course.

Terminus.

Powers under general law.

Sec. 6. That said company may build its said railroad and branch roads as may be deemed most advantageous and expedient, and it shall have all the powers and privileges contained in volume one, chapter sixty-one of the Revisal of one thousand

nine hundred and five of North Carolina and all of the acts of the General Assembly of North Carolina amendatory thereto.

Right to cross and unite with other railroads.

Sec. 7. That said company shall have the right to cross at grade, or over, or under, intersect, join or unite its railroad with any railroad now built or constructed, or which may be hereafter built or constructed within the State of North Carolina, at any point of its main line or branches, with the necessary turn outs, sidings, switches and other conveniences, and when necessary to use the right-of-way of other roads when the same is not occupied with tracks or buildings.

Right to use right-of-way of other roads.

Right of condemnation of lands.

Sec. 8. That when any right-of-way may be required by the company for the purpose of constructing its railroad and branches, and for want of agreement for any cause it cannot be purchased from the owner, the same may be condemned, in accordance with volume one, chapter sixty-one of the Revisal of one thousand nine hundred and five of North Carolina and all the acts of the General Assembly of North Carolina amendatory thereof, to the extent of fifty feet on each side of the track of the said railroad and branches, measuring from the center of the same. And the company shall have the power to appropriate and condemn land in like manner for the building and erection thereon of depots, warehouses, shops and houses for servants, employees and other purposes, not exceeding five acres in any one lot or place.

Extent of right.

Land for depots, warehouses and other buildings.

Right to borrow money.

Sec. 9. That said company shall have the right to borrow money when so authorized by its board of directors in general or special meetings assembled, and to issue coupon bonds at a rate of interest not exceeding six per cent., and to secure the payment of the same by mortgage or deed of trust or trust agreement with any bank, trust company, individual or corporation on its property, franchises and effects or otherwise. And should said company issue second mortgage bonds as hereinafter provided, then in that event it shall not issue first mortgage bonds exceeding six thousand dollars per mile of its main road and branches.

Bonds and mortgages.

Second mortgage bonds.

Limit on first mortgage bonds.

Work to begin at any point.

Parts of road may be operated.

Sec. 10. That the said company may begin work upon any point of its line, and upon the construction of any part or portion thereof may operate and maintain such part or portion with all the rights, powers and privileges hereby granted to this company. That it may, under purchase, lease, agreement or running arrangement as it can make with any other railroad company, operate any railroad as a link between different portions of its own line, or to continue the road to destination.

Operation of other roads under purchase or lease.

Interchange of traffic.

Sec. 11. It shall be compulsory with the Castalia Railroad Company and all other railroads with which it connects to interchange traffic in a prompt manner, to prorate on a mileage basis unless by mutual arrangement with the managers of railroads of North Carolina, to make the divisions of rates otherwise on all business originating at or destined within the borders of the State, and routing orders of consignees by all transportation lines

Prorates.

Routing orders.

shall be respected. That all railroad companies shall switch cars to and from industries, loading and unloading tracks, warehouses and other places for handling freight for each other within any town limits or three miles from same, for not more than two dollars per loaded car. Emptied cars shall be handled free, and that no railroad company shall make a higher switching charge for one railroad than it does for another. Switching charges.

Sec. 12. That for the purpose of aiding in the construction of the Castalia Railroad Company, the board of directors of said company shall have the power in general or special meeting to issue coupon bonds to an amount not exceeding four thousand dollars per mile upon the said railroad and its branch roads, bearing interest at a rate of six per cent., payable semi-annually, the principal of said bonds to be made payable thirty years from the date of issue, and to secure the payment of said bonds and interest by a second mortgage or deed of trust on its property, franchises and effects or otherwise. That the board of commissioners of any county in which the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, or the board of aldermen or the board of commissioners or municipal authorities of any city or town in or through any part of which city or town said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, may, if it shall deem the same to be in the interest of the people of said county, township, city or town, upon the application of fifty tax-payers of any such county or thirty tax-payers of any such township, city or town, submit to the qualified voters of such county, township or town the question of subscribing to the said second mortgage bonds of said railroad company, and of issuing in payment or exchange therefor the bonds of such county, township, city or town, and may order an election upon such question. The order for such election and the call therefor shall specify the amount of the proposed subscription to the second mortgage bonds of said railroad company and the amount of the bonds of the county, township, city or town proposed to be issued in payment or exchange therefor, and shall further specify the conditions upon which said subscription is to be made, and said bonds issued and delivered in payment or exchange therefor.

Second mortgage bond issue authorized.

Limit.

Interest.

Maturity.

Question of subscription to second mortgage bonds by municipalities to be submitted to vote.

Application for election.

Order of election to specify amounts.

Conditions of subscription.

Sec. 13. The call for any election which may be ordered under the authority conferred by section twelve hereof shall specify the time, place and purpose of the election, and shall provide for the holding of the same, as is now provided for the holding of elections for members of the General Assembly, except as hereafter provided for the said election in any city or town. That at said election ballots shall be provided upon which shall be printed or written the word "Subscription," and also ballots

Call for election.

Ballots.

shall be provided upon which shall be printed or written the words "No Subscription," and said board of county commissioners, board of aldermen or board of commissioners or other municipal authorities of such city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, shall give public notice of said election, not exceeding thirty days immediately prior thereto, in one or more newspapers published in the county in which said election is to be held, and also at the court-house door of such county, that such an election will be held upon the day therein named. That a new registration may be ordered in accordance with law by such board of county commissioners, board of aldermen, board of commissioners or other municipal authority, as the case may be, of the qualified voters of said county, township, city or town for the said election.

Notice of election.

New registration.

Law governing elections.

Sec. 14. That all elections under the preceding section shall be held, if for county or township, according to the law and regulations provided for the election of members of the General Assembly, and if the election shall be held for a county, the returns shall be made to and canvassed by the board of county commissioners, which shall ascertain and declare the result and make a record of the same. If the election shall be for a township, the registrar and judges of election shall make returns to the board of county commissioners, which shall canvass the same and ascertain and declare the result and make a record of the same. If the election shall be for a city or town, it shall be conducted as elections for municipal officers, and the mayor and aldermen or town commissioners or other municipal authorities of such city or town shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in such county, township, city or town, as the case may be, shall have voted for "Subscription," then the chairman of the board of county commissioners in all cases of county or township elections, and the mayor or other chief officer in all cases of city or town elections, shall within twenty days after the vote is ascertained, subscribe to the second mortgage bonds of said railroad company in behalf of said county, township, city or town, as the case may be, the sum that may have been named in the said order and notice of election, which subscription shall be made in coupon bonds bearing interest at the rate of five per cent., payable semi-annually, and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon taxable property in such counties, townships, cities or towns.

Returns and canvass.

Effect of election.

Tax for interest and bonds.

Sec. 15. That to provide for the interest on said bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or the board of aldermen or board of commissioners or other municipal authorities aforesaid subscribing shall,

in addition to other taxes, each year compute and levy on all property of any such county, township, city or town as may make a subscription of bonds to the said second mortgage bonds, preserving the constitutional equation of taxation, a sufficient tax to pay such interest and an additional tax sufficient to provide each year a sum equal to one-thirtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as the other taxes are and paid to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer as commissioner of sinking fund, and by him invested in said bonds, which shall be cancelled by the county commissioners or the municipal authorities of the city or town as the case may be, but in case said treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or about par value, he shall invest the same in solvent bonds or securities as may be selected and approved by the county commissioners aforesaid or the proper authorities of any city or town, as the case may be, subscribing to the second mortgage bonds of said railroad company.

Collection of tax.

Investments of sinking fund.

Sec. 16. That for the purpose of this act all the townships along the line of said railroad and its branches, or which are interested in its construction, are hereby declared bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any right or cause of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties respectively.

Townships incorporated.

Corporate agents of townships.

Sec. 17. That the State, county and city convicts may be used in the construction of the said railroad and its branches in such numbers and at such times and terms as may be agreed upon by the proper authorities in charge of said convicts and by said railroad company. The payment for such labor shall be monthly.

Convict labor.

Sec. 18. The Castalia Railroad Company shall not be sold, leased, merged or transferred to any other corporation that is now or hereafter may be a competitor, during the period that any county, township, city or town shall hold seventy-five per cent. of the second mortgage bonds of said railroad company. Only a sufficient amount of the said six per cent. second mortgage bonds shall be issued in the construction, purchasing and equipment in exchange with the various counties, townships, cities or towns for labor performed, or bonds subscribed for, not to exceed four thousand dollars per mile of said railroad and its branches.

Limit on power of sale, lease or merger.

Limit on issue of second mortgage bonds.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 398.

AN ACT TO INCORPORATE THE TOWN OF BROADWAY, IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated. Section 1. That the town of Broadway be and the same is hereby incorporated by the name and style of The Town of Broadway, and shall be subject to all the provisions, and possess all the powers contained in chapter seventy-three of the Revisal of one thousand nine hundred and five, and amendments thereto, not inconsistent with this act.

Corporate name.

Corporate rights.

Corporate limits. Sec. 2. The corporate limits of said town shall be as follows: A circle, every point of which shall be one-half mile from the centre of the Atlantic and Western Railroad depot at Broadway.

Officers. Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners, a town constable and such other officers as the town commissioners may elect for the better government of said town; and the following named persons shall fill the offices of mayor and commissioners from their qualification until the first Monday in May, one thousand nine hundred and seven, and until their successors be elected and qualified, viz.: Mayor, M. A. McLeod; Commissioners, A. P. Thomas, M. M. Watson and T. M. Langley.

Officers named.

Constable and other officers. Sec. 4. That the town constable and other officers of the town shall be appointed by the town commissioners.

Assistant to constable. Sec. 5. That the board of commissioners may appoint an assistant to the town constable, who in the absence of the town constable shall have all the powers and discharge all the duties of the town constable.

Town elections. Sec. 6. An election shall be held in said town on the first Monday in May, A. D. one thousand nine hundred and seven, and biennially thereafter, for a mayor and three commissioners, under the laws of North Carolina regulating elections in towns and cities.

Town council. Sec. 7. That the mayor and board of commissioners shall form a council, and may make, publish and enforce ordinances for the government of said town, not inconsistent with the Constitution of the United States and the Constitution of North Carolina.

Ordinances.

Officers to qualify. Sec. 8. That the officers provided for in this act shall qualify, within ten days after its ratification, before a justice of the peace, and shall enter upon the discharge of their duties.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 399.

AN ACT TO AMEND THE CHARTER OF THE AMERICAN WAREHOUSE COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of The American Warehouse Company, a corporation organized under the laws of the State of North Carolina, be and the same is hereby amended by adding thereto the following: "In furtherance and not in limitation of the powers conferred by statute, the board of directors of The American Warehouse Company is expressly authorized: To hold its meetings, to have one or more offices and to keep the books of the company within or without the State of North Carolina, but the company shall always keep at its offices in North Carolina a transfer book in which the transfers of stock shall be made and entered, and also a stock book containing the names and addresses of the stockholders and the number of shares held by them respectively, which shall be at all times during business hours open to the inspection of the registered stockholders in person; to determine from time to time whether and, if allowed, under what conditions and regulations the accounts and books of the company (other than the stock and transfer books), or any of them, shall be open to the inspection of the stockholders, and the stockholders' rights in this respect are and shall be limited and restricted accordingly."

Powers of directors.

To hold meetings, have offices, and keep books in or out of State.

Certain books to be kept in State.

Limit right of stockholders to inspect books and accounts.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 400.

AN ACT TO INCORPORATE ALLEGHANY AND SOUTHEASTERN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That F. J. Liipfert, P. H. Hanes, H. R. Starbuck, George F. Dwire, C. B. Watson, W. A. Hall, W. L. Kelly, John T. Benbow, A. H. Eller, A. E. Holton, H. E. Fries, W. A. Blair, Lindsay Patterson, W. M. Hunt, E. A. Snow, A. E. Tate, R. H. Wheeler, R. P. Dicks and such other persons as may be associated with them are hereby created and declared a body politic and corporate, with sixty years succession, under the name and style of the Alleghany and Southeastern Railway Company, and in

Corporators.

Term.

Corporate name.

Corporate powers.

that name may sue and be sued, plead and be impleaded in any court in this State, contract and be contracted with; shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift or any other way real or personal property, and holding, leasing, conveying or in any other manner dealing with the same for any of the purposes hereinafter enumerated, and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may have all necessary regulations for its government not inconsistent with the laws of the United States or of the State of North Carolina. It may build branch roads from any part of its main line not exceeding fifty miles in length.

Power to construct, maintain and operate railroad and telegraph line. Termini and route.

Sec. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from a point in the county of Alleghany and through the counties of Alleghany, Surry, Wilkes, Yadkin, Forsyth, or any of them, to the city of Winston; thence southeastwardly to a point in the county of Brunswick, New Hanover, Onslow or Carteret.

Capital stock.

Sec. 3. The capital stock of the said railway company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by the votes of its shareholders to an amount not exceeding ten millions of dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him; such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in section one thousand two hundred and thirty-three and one thousand two hundred and thirty-five of chapter twenty-one of the Revisal of one thousand nine hundred and five for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and ten thousand dollars shall be the minimum subscription on which said company may be organized.

Proviso: increase of capital.

Stock votes.

Minimum subscription.

Books of subscription.

Sec. 4. That said incorporators shall have the power to open books of subscription in person or by agents duly appointed by a majority of them, at such place or places as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient. Said incorporators may, when they deem proper, after twenty days' notice to the subscribers, call together the subscribers of said shares of stock at any place in or out of the State; and said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit; and at such meeting, and all other meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said directors shall thereupon proceed

Meeting for organization.

Directors and officers.

President and other officers.

to elect one of their number president, and to elect such other officers as the by-laws of said company prescribe; and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting. Said stockholders' meeting to be annually, but if the day of annual election should under any circumstances pass without any election the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Term of directors.

Meetings.

Sec. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the persons receiving the greatest number of votes shall be duly elected directors; and at all elections and upon all votes, when at any meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe.

Election of directors.

Verification of proxies.

Sec. 6. The board of directors may fill any vacancies that may occur in it during the period for which it has been elected. The president of the company and a vice-president shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer shall also be elected by the directors and may be one and the same person. In the absence of the president or secretary at any meeting of the directors, they may appoint a president and secretary *pro tempore* to fill his place, except when the vice-president is present; in that case the vice-president shall act.

Vacancies.

President and vice-president.

Term.

Secretary and treasurer.

President or secretary pro tem.

Sec. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Certificates and transfer of stocks.

Sec. 8. The said company may connect or unite its lines with those of any other railway company or companies, or consolidate and merge its stock, property and franchise with and into those of any other railway company or companies incorporated under the laws of this State or any other State of the United States, operating or authorized to operate railway lines, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all its property, real, personal or mixed, its contracts and privileges and its charter, rights and franchises to any such other company upon such terms as may be agreed upon between them, and may in like manner acquire by lease or purchase any or all the property, real or personal or

Powers of connection, consolidation and merger.

Powers of lease or sale.

Power to lease or purchase.

mixed, and all contracts and privileges and the chartered rights and franchises of any such other company or companies; and full power and authority is hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, leases, sales, mergers and changes of name.

Crossing roads.

Sec. 9. The said company shall have the right, when necessary, to construct its said road across any public road or other railroad, or alongside any other public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company, and which has been accepted by the board of county commissioners.

Proviso: obstructions to public roads.

Power to condemn land.

Sec. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall go for the purchase of the land for the right-of-way and depot purposes, the said company may proceed to condemn and enter the same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five and amendments thereto.

Limit on power of condemnation.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of its road-bed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and warehouses it may condemn not exceeding five acres in any one place; and in all cases where land or rights-of-way have been condemned, and where the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and in such cases within two years from the removal of such disabilities.

Petition for assessment for damages.

Municipalities may subscribe for stock or bonds.

Sec. 12. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of the said company, or for bonds issued by the same, in the following manner: Upon presentation of writing, signed by not less than twenty-five freeholders and resident tax-payers of the county, township, city or town, to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock or bonds of said company, which subscriptions may be conditioned upon the completion of the whole or any part of the proposed line of railroad, the board of commissioners of said county, or proper authorities of said city or town, shall order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount

Request for election.

Condition of subscription.

specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house door of said county and at every polling place of said county, township, city or town where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town.

Ballots.

Law governing elections.

Notice of election.

Returns.

Sec. 13. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscription and shall issue such coupon bonds to the amount of said subscription, in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued. They shall be in a denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest not exceeding five per centum as the petition and order of election shall indicate.

Subscriptions to be made.

Bond issues.

Denominations of bonds.

Sec. 14. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay for the interest on the bonds issued on account of such county, township, city or town; and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which they were levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

Special tax for interest and sinking fund.

Collection and payment of taxes.

To be kept distinct.

Investment of sinking fund.

Sec. 15. It shall be lawful for the said Alleghany and Southeastern Railway Company chartered by this act to issue coupon

Bond issue by company authorized.

bonds in such denomination and running for such a time and having interest at such a rate not exceeding six per centum and payable at such a time and place as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Forsyth County, and, upon registration in said county, it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes.

Mortgages.

Mortgages on sections.

Registration of mortgage.

Liability of stockholders.

Sec. 16. That the stockholders of said company, with the private citizens or other corporations, public, private or municipal, shall not be personally liable for the debts of said company.

Sec. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 401.

AN ACT TO AMEND THE CHARTER OF THE ABERDEEN AND ROCKFISH RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter twenty-two of the Private Laws of the General Assembly passed at its session of one thousand eight hundred and ninety-three, amended by chapter forty-five of the Private Laws of one thousand nine hundred and one, is hereby further amended as follows: That the said Aberdeen and Rockfish Railroad Company shall have the right to issue bonds on its line of railroad at the rate of not more than ten thousand dollars per mile for each mile of railroad now in operation, and to dispose of said bonds in such manner as the president and directors of said railroad may elect: *Provided*, this act shall not have the effect to impair the security of any bonds now outstanding against said railroad.

Issue of bonds authorized.

Limit.

Proviso: outstanding bonds.

Sec. 2. That said Aberdeen and Rockfish Railroad Company shall have the right to construct and operate its railroad westward from its present terminus at Aberdeen, North Carolina, to connect with the Aberdeen and Ashboro Railroad at one or more points west of the Seaboard Air Line Railroad, and in doing so, may cross the tracks of said Seaboard Air Line Railroad at any point within one mile of the union station in the said town of Aberdeen. Extension of railroad authorized.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 402.

AN ACT TO AMEND THE CHARTER OF SPRAY WATER-POWER AND LAND COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter sixty-five of the Private Laws of one thousand eight hundred and ninety-one, being an act to incorporate Spray Water-power and Land Company, be and the same is hereby amended by adding thereto the following: "In furtherance and not in limitation of the powers conferred by statute, the Board of Directors of Spray Water-power and Land Company is expressly authorized: To hold its meetings, to have one or more offices and to keep the books of the company within or without the State of North Carolina, but the company shall always keep at its office in North Carolina a transfer book in which the transfers of stock shall be made and entered, and also a stock book containing the names and addresses of the stockholders and the numbers of shares held by them respectively, which shall be at all times during business hours open to the inspection of the registered stockholders in person; to determine from time to time whether and, if allowed, under what conditions and regulations the accounts and books of the company (other than the stock and transfer books), or any of them shall be open to the inspection of the stockholders, and the stockholders' rights in this respect are and shall be limited and restricted accordingly. Directors authorized to hold meetings, keep books and have offices within or without State. Books to be kept in State. Powers of stockholders to inspect books and accounts.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 403.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED FEBRUARY 28, 1907, BEING HOUSE BILL 1076, SENATE BILL 1080, AND ENTITLED AN ACT TO INCORPORATE THE TOWN OF LINGFIELD.

The General Assembly of North Carolina do enact:

Sec. 1. That the act ratified February twenty-eighth, one thousand nine hundred and seven, being House Bill one thousand and seventy-six, and Senate Bill one thousand and eighty, and entitled "An act to incorporate the town of Lingfield," be amended by striking out the title of the same and by inserting in lieu thereof the following: "A bill to be entitled an act to incorporate the town of Bridgeton, Craven County, North Carolina."

Title amended.

Sec. 2. That section one of said act be amended by striking out the word "Lingfield," in the last line of said section, and by inserting in lieu thereof the word "Bridgeton," so as to change the name of said town from "Lingfield" to "Bridgeton."

Corporate name.

Sec. 3. That section eight of said act be amended by adding to said section the following: "*Provided*, that no intoxicating liquors of any kind shall be manufactured or sold in said town."

Prohibition.

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 404.

AN ACT FOR THE RELIEF OF MRS. FLORENCE P. TUCKER.

Preamble.

Whereas, on February second, one thousand eight hundred and sixty-three, the State of North Carolina borrowed from C. Perkins the sum of seven thousand five hundred and fifty dollars ($7,550), under and by virtue of authority contained in an ordinance of the Convention of one thousand eight hundred and sixty-two, number thirty-nine, which said money was used by the State for the maintenance of the asylums for the insane and the institutions for the deaf and the dumb and the blind, and

Preamble.

for *per diem* of the General Assembly; and whereas, by virtue of authority contained in chapter fifty of the Laws of one thousand eight hundred and sixty-seven, a committee was appointed

consisting of R. H. Battle, J. C. Harper and W. H. Husted, whose duty it was to separate the Confederate war debt from the strictly civil debt, which said committee reported to the General Assembly of North Carolina, as shown by Legislative Document Number Nine of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, that the said debt of the State to C. Perkins was a civil debt, and not a Confederate war debt; and whereas, at the time the State borrowed from two other persons, for the same purpose, viz., from David Hinton and from Henry Mordecai, which said debts were also reported by said committee to be civil debts, and not Confederate war debts; and whereas, the Legislature of one thousand eight hundred and ninety-three, chapter three hundred and forty-five, authorized a settlement of the claim of Mary Hinton, executrix of David Hinton, deceased; and whereas, the General Assembly of North Carolina in one thousand nine hundred and three, chapter one hundred and fourteen, authorized settlement of the claim of the heirs at law of Henry Mordecai for his debt, which was settled on the basis of applying the Confederate scale of three dollars to one dollar, and then paying forty per cent. thereon, with interest at four per cent. per annum from the date of the settlement of the State debt in one thousand eight hundred and seventy-nine; and whereas, Florence P. Tucker is now the owner of the said bond of the State given to her father, C. Perkins, and by said C. Perkins transferred to her husband, R. S. Tucker, she being the sole devisee and legatee of said R. S. Tucker, which said bond has never been paid or settled in any way by the State: now, therefore,

Preamble.

Preamble.

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of North Carolina be and he is hereby authorized and directed to issue to Florence P. Tucker four per cent. North Carolina State bonds in the sum of two thousand dollars ($2,000), in full discharge of said indebtedness: *Provided*, that the said Florence P. Tucker shall within six months after the adjournment of this General Assembly surrender the said obligation to the State Treasurer and accept the bonds authorized to be issued to her by this act in full of said obligation.

State bonds to be issued.

Proviso: obligation to be surrendered.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 405.

AN ACT TO ESTABLISH A GRADED SCHOOL DISTRICT IN LILESVILLE TOWNSHIP, ANSON COUNTY.

The General Assembly of North Carolina do enact:

Graded school district established.

Boundary of territory.

Section 1. That the following territory be and the same is hereby established as the Lilesville Graded School District, to-wit: That territory which comprises the Lilesville Public School District Number One, white, as established and now existing, together with the following territory, that is, the territory adjoining the said district and lying between the same and the following lines: beginning where the present Number One School District line intersects the Walls Ferry Road, and runs east with said road to where T. R. Tomlinson's and L. T. Carter's join; then with their line south as far as L. T. Carter's land runs, joining T. R. Tomlinson's; thence a straight line to the intersection of H. J. Wall's and George Harris' line; thence with H. J. Wall's and George Harris' line to Seaboard Air Line, where George Harris', H. J. Wall's and J. E. Kerr's lines corner; thence with J. E. Kerr's lines from where his land corners with H. J. Wall's and George Harris', east on the Seaboard Air Line Railroad; the boundary line of the district to be the outside of J. E. Kerr's present line until it intersects the present Number One School District line.

Graded school committee.

Commissioners.

Terms of office.

Sec. 2. That the graded school committee of the Lilesville Graded School, as set forth in section one of this act, shall consist of seven members instead of three, as now required by the general school law; that A. J. Allen, J. F. Alexander, A. P. Liles, E. P. Liles, H. J. Wall, T. A. Horne and J. E. Kerr shall constitute said committee, and that the term of office of J. F. Alexander and J. E. Kerr shall expire on the first Monday in May, one thousand nine hundred and nine; that the term of office of H. J. Wall and A. P. Liles shall expire the first Monday in May, one thousand nine hundred and eleven; that the term of office of T. A. Horne and E. P. Liles shall expire on the first Monday in May, one thousand nine hundred and thirteen; that the term of office of A. J. Allen shall expire the first Monday in May, one thousand nine hundred and fifteen. As the terms of the members of said committee as above provided for shall expire, their successors shall be elected for a term of five years by the Board of Education of the County of Anson at its first meeting after its election and qualification. Whenever any vacancy shall occur in said committee otherwise than by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

Election and term of successors.

Vacancies.

Powers of committee.

Sec. 3. That the school committee provided for by this act shall have exclusive control of the public school interests, funds

and property in the graded school district, as hereinbefore provided; shall prescribe rules and regulations for its own government, not inconsistent with law, shall fix the compensation of the officers and teachers of the public or graded school annually, and they shall be subject to removal by said committee. Said committee shall make an accurate census of the school population of said district as required by the general school law of the State, and perform all other acts that may be lawful and proper to conduct and manage the general school interests within said district: *Provided*, all children resident in said district between the ages of six and twenty-one years shall be admitted into the schools free of tuition charges. The said school committee shall make such reports as are now or may hereafter be required of it to the county board of education, the county superintendent of schools, and the State Superintendent of Public Instruction.

School census.

Proviso: free tuition.

Reports.

Sec. 4. That the school committee created by this act may elect annually a superintendent of the schools. The said superintendent shall examine all applicants for positions of teachers in said schools and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said school committee.

Superintendent of schools.

Duties of superintendent.

Sec. 5. That it shall be the duty of the Board of County Commissioners of Anson County to annually levy a tax of not more than thirty cents on the one hundred dollars valuation of property in said district, and not more than ninety cents on each poll in said district, the constitutional equation to be observed in said levy. Said tax to be levied for the support and maintenance of the public schools in said district. The amount to be levied by said board of commissioners to be determined by the school committee and certified by said committee to the said board of commissioners. Said tax shall be collected by the Sheriff of Anson County, and shall be by him paid to the treasurer of said school committee.

School tax.

Amount determined by school committee.

Collection and payment of tax.

Sec. 6. That the moneys which shall from time to time be apportioned under the general school laws of the State to the above described school district shall be turned over by the Treasurer of Anson County to the treasurer of said school committee for the benefit of said school: *Provided*, that the mayor of the town shall make a full return of all fines, penalties or forfeitures collected on the first days of April and October of each year, all such moneys to be turned over to the treasurer of said committee to become as other school funds.

Apportionment from general fund.

Proviso: returns from mayor.

Sec. 7. That said school committee shall elect one of its number as treasurer, whose receipts for such moneys shall constitute a sufficient voucher in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements with all vouchers for the same. The moneys received as aforesaid and

School treasurer.

School warrants.

all other moneys coming into his hands shall be held by the treasurer of said committee, said fund to be disposed of under the direction of the aforesaid school committee whose warrants, when signed by the chairman and countersigned by the secretary of said committee, shall only be valid vouchers in the hands of said treasurer for disbursement of said moneys in any settlement required of him by law. The said treasurer shall furnish annually, on the first Monday in July, to the Board of Education of Anson County, a statement in writing of his receipts and disbursements of the school money properly and duly audited and approved by the chairman and secretary of the said school committee: *Provided*, the account books and vouchers of said treasurer shall be open for the inspection of the said school committee at any time.

Annual statements.

Proviso: books and accounts to be open for inspection.

Annual reports.

Sec. 8. That the said school committee shall make annually to the Board of Education of Anson County, at such time as required under the school law of the State, a report containing an accurate census of the school population of the said district, showing the work done and money expended under its direction in the said district on account of public schools therein, a copy of which report shall be forwarded to the Superintendent of Public Instruction of the State. The beginning and ending of the school year shall be fixed by the committee.

School committee to control school property.

Sec. 9. The school committee provided for in this act shall have the right to control site, lands, buildings and other property belonging to the trustees of the Lilesville Academy or High School, and the title thereto is hereby invested in said committee and its successors; and said school committee shall succeed to all the rights given and belonging to the Trustees of the Lilesville Academy or High School under and by virtue of the act incorporating the same.

School committee incorporated. Corporate name. Corporate powers.

Sec. 10. The school committee hereby created shall be a body corporate by the name and style of the Lilesville Graded School, and by that name it shall be capable of receiving gifts and grants, of making purchases and holding real estate and personal property, of selling and transferring the same for school purposes, or prosecuting and defending suits for or against the corporation hereby created. All conveyances to said school committee shall be made to it and its successors in office, and all deeds and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee.

Conveyance to school committee. Execution of deeds.

Apportionment of county school fund.

Sec. 11. That, in apportioning the school fund of said county, said school district shall be allowed the proportion of said fund due per capita to the children of school age.

Sec. 12. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Election to be called.
Date.
Law submitted to voters.
Notice of election.
New registration.
Notice of registration.
Ballots.
Effect of election.
Law governing election.

Sec. 13. The Board of Commissioners of Anson County shall call an election in said territory on Tuesday, the twenty-third day of April, one thousand nine hundred and seven, at which there will be submitted to the qualified voters in said district the adoption of this law. The said board of commissioners shall give such notice of said election as in its discretion may be sufficient, and shall, if it deems wise, order a new registration, and shall give only such notice of said registration as it may deem necessary or expedient. In said election, those who favor the adoption of this act shall vote a ballot whereon shall be printed or written the words "For School District," and those who are opposed to the adoption of this act shall vote a ballot whereon shall be written or printed the words "Against School District." And if a majority of the tickets or ballots so cast shall be "For School District," this act shall be in full force and effect. But if the majority shall be "Against School District," then this act shall be of no force and effect, and none of its provisions shall be operative. Said election shall in all other respects be held as elections of members of the General Assembly.

Sec. 14. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 406.

AN ACT TO INCREASE THE SPECIAL TAX FOR THE KINGS MOUNTAIN GRADED SCHOOLS, IN THE TOWN OF KINGS MOUNTAIN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Election required.

Section 1. That the Board of Commissioners of the Town of Kings Mountain, North Carolina, is hereby required to submit to the qualified voters of said town at the next election for municipal officers for said town to be held in May, one thousand nine hundred and seven, the question whether an additional annual tax shall be levied for the support of the Kings Mountain Graded Schools, in said town.

Ballots.

Sec. 2. That at the next regular election for officers of the said town of Kings Mountain, those favoring the levying of such tax shall vote a written or printed ballot, without device, the words "For Additional School Tax" upon it, and those opposed to the levying of such tax shall vote a like ballot, the words "Against Additional School Tax" upon it.

Additional tax.

Sec. 3. That if a majority of the votes cast at such election shall be in favor of such tax, it shall be the duty of the board of

commissioners of said town and its successors to levy and collect annually an additional special tax of eight and one-third cents on the one hundred dollars' valuation of all taxable property within the corporate limits of said town, and upon each poll twenty-five cents; and said taxes shall be due and collected annually at the same time and in like manner as other town taxes are due and collected.

Collection of tax.

Tax to be paid over to treasurer.

Sec. 4. That the taxes levied and collected under this act shall be paid over by the tax collector to the treasurer of said town, which officers shall give bonds, the former for collecting and the latter for the safe keeping and disbursement of said special tax and other funds which may come into his hands for the use of said graded schools. And said treasurer shall keep said school fund separate and apart from all other moneys, and shall pay out the same only upon a warrant signed by the chairman and secretary of the Board of Trustees of the Kings Mountain Graded Schools.

Bond of treasurer.

Fund to be kept separate.

Warrants.

Sec. 5. That all laws and clauses of laws in conflict herewith are hereby repealed in so far as they conflict, and no further.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 407.

AN ACT TO INCORPORATE THE TOWN OF VASS, IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

Corporate powers.

Section 1. That the Town of Vass, in Moore County, be and the same is hereby incorporated by the name and style of The Town of Vass, and shall be subject to all the provisions and possess all the powers contained in chapter seventy-three of the Revisal of one thousand nine hundred and five, and amendments thereto, not inconsistent with this act.

Corporate limits.

Sec. 2. The corporate limits of said town shall be as follows: A circle, every point of which shall be one mile from the center of the Seaboard Air Line Railroad depot at Vass.

Town officers.

Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners, town constable and such other officers as the town commissioners may elect for the better government of said town; and the following named persons shall fill the offices of mayor and commissioners from their qualification until the first Monday in May, one thousand nine hundred and seven, and until their successors be elected and qualified, viz.: Mayor,

First officers named.

Alex. Gunthur; Commissioners, J. A. Leslie, T. J. Smith and W. B. Graham.

Sec. 4. That the town constable and other officers of the town shall be appointed by the town commissioners. Town constable and other officers.

Sec. 5. That the board of commissioners may appoint an assistant to the town constable, who in the absence of the town constable shall have all the powers and discharge all the duties of the town constable. Assistant to town constable.

Sec. 6. An election shall be held in said town on the first Monday in May, A. D. one thousand nine hundred and seven, and biennially thereafter, for a mayor and three commissioners, under the laws of North Carolina regulating elections in towns and cities. Town elections.

Sec. 7. That the mayor and commissioners shall form a council, and may make, publish and enforce ordinances for the government of said town, not inconsistent with the Constitution of the United States and the Constitution of North Carolina. Town council. Ordinances.

Sec. 8. That the officers provided for in this act shall qualify, within ten days after its ratification, before a justice of the peace and shall enter upon the discharge of their duties. Officers to qualify.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 408.

AN ACT TO CONSOLIDATE, REVISE AND AMEND THE CHARTER OF THE TOWN OF WILSON.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Wilson shall be and continue as they heretofore have been a body politic and corporate, and in the name of the Board of Commissioners of Wilson or by the agents duly authorized by said board shall have the right to contract and to be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real or personal property; and shall have all the powers, rights and privileges necessary or belonging to or usually appertaining to municipal corporations. Corporation continued. Corporate name. Corporate powers.

Sec. 2. The corporate limits of the said town shall be as follows: Beginning at an iron stake on Nash Road, six hundred feet from the center of Bynum Street, where it intersects Nash Street, and running thence north sixty and one-half east nineteen chains and fifty-seven links to a stake; thence south sixty and one-half east twenty-one chains and four links to a stake on Water- Corporate limits.

works Road; thence south sixty-three and one-half east thirty-one chains and ten links to a post at the corner of Hill Street; thence south thirty-six east thirty-seven chains and forty-seven links to a stake in Woodard's field; thence south four west thirty-eight chains and thirty-nine links to a post in Mrs. S. B. Lipscomb's wire fence; thence south thirty west fifty-one chains and ninety links to a stake on Stantonsburg Road, near the colored graded school building; thence north eighty-six and three-fourths west twenty-four chains and sixteen links along Oak Dale Cemetery fence to a post on Bynum's land; thence north sixty-nine west thirty-six chains and sixty-four links to a black-gum at foot of the bridge across Hominy Swamp Canal on the Barefoot Road; thence up said canal thirty-two chains and thirty links to the bridge on the Raleigh Road; thence north four and one-half west twenty-three chains and fifty-one links to a stake on west side of Park Avenue; thence north one west forty-five chains and fifty links to a post on the Finch Road; thence to the beginning.

Ordinances regulating sale of food and food products.

That all ordinances enacted by the board of commissioners of the said town of Wilson to regulate the sale of food and food products shall have the same force and effect within that territory which is one mile from and adjacent to the corporate limits of said town as if the said territory was embraced within the corporate limits of said town; and all persons who shall, within one mile of the corporate limits of said town of Wilson, sell or offer for sale any food or food products shall be subject to the same rules and regulations governing the sale of food and food products, and the inspection thereof, as if the same were offered for sale within the corporate limits of the said town of Wilson:

Rules and regulations.

Proviso: no tax or license.

Provided, nevertheless, that the said board of commissioners of the said town of Wilson shall have no power or authority to impose any tax or license upon any person selling, or offering for sale any food or food products beyond the corporate limits of said town.

Powers of police in adjacent territory.

That any and all police officers of the said town of Wilson shall have full power and authority to serve any and all process issued by the mayor of the said town against any person violating any of the ordinances of the said town within the corporate limits of said town, whenever such person so violating the said ordinances shall be within that territory which is one mile from and adjacent to the corporate limits of the said town.

Wards.

Sec. 3. The town of Wilson shall be divided into five wards denominated respectively First, Second, Third, Fourth, Fifth Ward. The First Ward shall embrace all territory situated and lying west of Broad Street and its extension, Barnes Street, Taylor's Lane to the Stantonsburg Road, then up said Stantonsburg Road to the intersection of the old plank road, then down the old plank road to the corporate limits. The Second Ward shall embrace all the territory situated and lying between Nash Street

First ward.

Second ward.

and the First Ward. The Third Ward shall embrace all the territory situated and lying between Nash and Green Streets to Bragg Street, and Vance Street northwest of Bragg Street. The Fourth Ward shall embrace all the territory situated and lying between Vance and Green Streets, with their extensions from Bragg Street to the corporate limits. The Fifth Ward shall embrace all the territory situated and lying north of Vance Street, with extensions to corporate limits. That the Commissioners of the Town of Wilson shall have the right to modify, alter or change the limits or boundaries of any or all the above designated wards by giving thirty days' notice thereof in some newspaper published in the town of Wilson: *Provided*, that such change or changes shall not be made within three months of the date of any election held by said town.

Third ward.

Fourth ward.

Fifth ward.

Commissioners may change ward boundaries.

Proviso: changes not made within three months of election.

Sec. 4. On Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, there shall be an election held in the town of Wilson for the purpose of electing by the qualified voters of said town a mayor and five commissioners for said town, who shall hold their offices until their successors are elected. One of said commissioners shall be chosen by the voters of each ward in said town. The mayor shall be voted for in each ward, and the person receiving the highest number of votes shall be declared elected. The commissioners shall reside in the ward for which they are elected, and shall receive as compensation for their services not to exceed ten dollars per month for each commissioner.

Town election.

Election of commissioners.

Election of mayor.

Residence of commissioners.

Compensation.

Sec. 5. The board of commissioners of said town shall select, at least thirty days before the election provided for in the preceding section, one person for each ward in said town who shall act as registrar of voters for said ward; said board of commissioners shall make publication of the names of the persons so elected at the Town Hall or in a newspaper published in said town immediately after such appointment, and shall cause notice to be served upon said persons by the chief of police of said town. If any registrar shall die, resign or neglect to perform his duties, said board of commissioners of the town may appoint another in his place. Said board of commissioners shall provide for said registrars registration books. The registrars, after being duly sworn by some person authorized to administer oaths to faithfully discharge the duties of registrar as prescribed by law, shall revise the registration books of their wards in such manner that said books shall show an accurate list of the electors previously registered in such ward and still residing therein, without requiring such electors to be registered anew, unless said board of commissioners shall have ordered and required a new registration as is hereinafter provided; said registrars shall also, between the hours of nine o'clock A. M. and five o'clock P. M. on each day (Sunday excepted) for seven days preceding the

Registrars of voters.

Names to be published.

Service of notice.

Registration books.

Revision of registration books.

Books to be kept open.

day for closing the registration books as hereinafter provided, keep open said books for the registration of any new electors residing in such ward and entitled to register whose names have never before been registered in such ward or do not appear in the revised list; that said books shall be open until nine o'clock P. M. of each Saturday during such registration period; that said books shall be closed for registration on the second Saturday before each election under section four above.

Books to be closed.

Challenge day.

Sec. 6. That on the second Saturday before the election, said registration books shall be kept open at the polling place in the ward to the inspection of the electors of the ward, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books opposite the name of the person so objected the word "Challenged," and shall appoint a time and place on or before the Monday immediately preceding election day, when he, together with such judges of election, shall hear and decide said objection, giving personal notice to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his residence. If any person challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books. The board of town commissioners shall, on or before the first Monday in April immediately preceding such election, appoint two judges of election, who shall be men of good character, able to read and write, at each place of holding such election in said town. The said judges of election shall attend at the places for which they are severally appointed on the day of election, and they, together with the registrar for such ward, after being sworn by some person authorized to administer oaths to conduct the election fairly and impartially, according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election; they shall keep poll books in which shall be entered the name of every person who shall vote, and at the close of the election they shall certify the same over their proper signatures and deposit them with the said board of town commissioners.

Hearing of challenges,

Notice to voter.

Name to be erased.

Judges of election.

Duties of judges of election.

Poll books.

Registration on election day.

Sec. 7. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of age of twenty-one years on the day of election, or has for any other reason on that day become entitled to register and vote, he shall be allowed to register and vote. When any person is challenged, the registrar and judges of election shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the General Assembly, and all qualified electors who shall have resided for ninety days immediately preceding an election within the limits of any

Challenges.

Qualification of voters.

ward, and not otherwise, shall have the right to vote for such town officers.

Hours of election.

Sec. 8. The polls shall be open on the day of election from eight o'clock A. M. till sunset, and no longer; and each person whose name may be registered shall be entitled to vote. Immediately after any election the registrar and judges of election shall deposit the registration and poll books for the respective wards with the board of town commissioners or its clerk. All ballots shall be printed or written upon white paper, and shall be of the same size, without device, mutilation or ornamentation. The board of town commissioners shall provide for each ward in said town necessary ballot boxes in which to deposit the ballots; each of said boxes shall have an opening through the lid to admit a single folded ballot, and no more. Said ballot boxes shall be kept by the judges of election for the use of said election precincts respectively, and the said registrar and judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and said boxes shall be sealed or securely fastened, and not opened until the polls are closed.

Deposit of registration and poll books.

Ballots.

Ballot boxes.

Boxes not opened until polls are closed.

Count of ballots.

Sec. 9. When the election shall have been finished the registrar and judges of election shall open the boxes and count the ballots, reading the names aloud of the persons which shall appear on each ticket; and if there shall be two or more tickets rolled together, or if any ticket shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either of these cases such ticket shall not be numbered in the taking the ballot, but shall be void, and the said counting of votes shall be continued without adjournment until completed, and the result thereof declared. The registrar and judges of election in each ward shall appoint one of their number to attend the meeting of the board of town canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns or statement of the result of the election in such ward, and the members of the several wards who shall have been so appointed shall attend the meeting of the board of town canvassers in which they shall have been so appointed members thereof. The members of the several wards thus appointed shall constitute the board of canvassers for such election. The board of town canvassers shall meet on the next day after the election at twelve o'clock M. at the mayor's office, and they shall each take the oath prescribed in the general law governing elections in this State for members of the board of county canvassers. The board of town canvassers shall at its said meeting, in the presence of such electors as choose to attend, open and canvass and judicially determine the returns and make abstracts stating the number of votes cast in each ward for each office, the name of each person voted for and the number of votes given to each person for each different

Void tickets.

Counting continued without adjournment.

Members of board of canvassers.

Meeting of board.

Canvass of returns.

Abstracts.

Judicial powers of board.

office, and shall sign the same. Said board shall have power and authority to judicially pass upon all the votes relative to the election, and judicially determine and declare the result of the same, and it shall have power and authority to send for papers and persons and examine the latter upon oath; and in case of a tie upon two opposing candidates, the result shall be determined by lot.

Ties.

Special elections.

Sec. 10. All other elections held in said town of Wilson than those held on Tuesday after the first Monday in May in any year, for any municipal purpose, shall be deemed and held special elections. Said special elections may be ordered for any purpose by order of the board of town commissioners, which shall for thirty days before such special election is held give notice of such election by posting notice at the mayor's office in said town and by publication in some newspaper published in said town; said notice shall state the purpose for which said special election is held, and the day for holding same. Said special election shall be held under the same rules and regulations as are herein provided for the holding of the elections for town officers: *Provided*, that before any election is had or held under the provisions of this amended charter, the board of town commissioners may order an entirely new registration of the voters of said town; in such case only those who register anew shall be entitled to vote at such election.

Notice of special elections.

Law governing special election.

Proviso: new registration.

Term of commissioners.

Sec. 11. The commissioners elected for said town shall take their seats (that is, begin their term of office) on the first Monday in June next after their election, and continue in office until their successors have been duly installed. Each commissioner, before entering upon the duties of his office, shall take and subscribe before the mayor or some justice of the peace the oath prescribed in section four of article six of the Constitution of the State of North Carolina, and the same shall be filed in the office of the clerk of said town.

Commissioners to qualify.

Special court.

Jurisdiction.

Sec. 12. That the Mayor of the Town of Wilson is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said town and within one mile from the corporate limits thereof, which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, upon proper proceedings, to be arrested persons charged or convicted of crimes in other counties or States who may be found in the town limits and bound and imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process, and exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said town; to hear and determine all causes of actions; to recover fines and penalties for a violation of the ordinances and regulations of said town, and to enforce penalties

by issuing executions upon any adjudged violations thereof; to execute the laws and rules made by the commissioners, and his endorsement of the names of the witnesses upon a summons or warrant shall be authority for the officer to execute the same; and he may issue process without complaint when he is satisfied that there has been a violation of the laws: *Provided, nevertheless*, that he shall not have jurisdiction of causes of any nature or amount other than such whereof a justice of the peace may take cognizance, unless specially allowed by this charter: *Provided further*, that whenever any person or persons who shall be arrested on a warrant issued by the mayor shall make oath that said person or persons cannot obtain justice before the mayor, it shall be the duty of the mayor to remove the entire cause before some justice of the peace residing within the corporate limits of the town of Wilson for trial; and the said justice of the peace shall have all the powers for this purpose that are vested in the mayor by this charter and the laws of the State; and all fines and imprisonment imposed by the justice of the peace shall be in accordance with this chapter and the ordinances passed thereunder, and all fines imposed shall be paid to the treasurer of the town within five days after the same shall have been paid to the justice of the peace, and any failure to pay over fines thus collected shall be a misdemeanor, and on conviction shall be fined and imprisoned at the discretion of the Superior Court: *Provided*, that no case shall be removed more than once.

Process without complaint. Proviso: limit of jurisdiction. Proviso: removal of cases. Justice to have powers of mayor. Fines paid to town treasurer. Failure a misdemeanor. Punishment. Proviso: no second removal.

Sec. 13. That all proceedings in the mayor's court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of the County of Wilson. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said court, it shall be competent for the said court to sentence such persons to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public streets or on the public works of the town, or on the public works or the public roads of the county of Wilson.

Proceedings in mayor's court. Convicts sentenced to street work.

Sec. 14. That the mayor may issue his precepts, process and warrants to the chief of police of the town, and to such other officers to whom a justice of the peace may issue his precepts, and the same may be served by the police officers of the town or other officer authorized to serve process anywhere in the county of Wilson.

Precepts of mayor.

Sec. 15. The clerk of the Board of Commissioners of the Town of Wilson is hereby authorized to issue any and all process, warrants and subpœnas which the mayor of said town is authorized to issue, and to administer to the complainants the necessary and proper oaths prior to the issuing of such process. All

Process issued by clerk of commissioners.

Process returnable before mayor.

such process which shall be issued by such clerk shall be made returnable before the Mayor of the Town of Wilson in like manner as process issued by such mayor, and any and all officers who are authorized to execute or serve process issued by the said mayor are authorized to serve and execute all such process as shall be issued by the said clerk: *Provided*, nothing herein contained shall be construed to authorize such clerk to try any person for any offense.

Proviso: clerk not authorized to try any persons.

Powers of commissioners. Ordinances.

Sec. 16. That the commissioners when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary; also provide proper and effectual means, rules and regulations to prevent and extinguish fires in said town; to prevent and to suppress and remove nuisances; to make proper provisions and take all necessary measures to preserve said town from contagious and infectious diseases and enforce and declare quarantine regulations; to make provisions and take all proper measures to preserve the peace and good order in said town; to determine when necessary the boundaries of the streets, sidewalks and alleys, and to have supervision and control of said streets, lanes, alleys and sidewalks in said town; power to cause all alleys, lots, cellars, privies, styes, stables and other places of similar character to be examined, cleaned, removed or abated; power to regulate the speed at which railroad engines and trains shall run within the limits, and to require said railroad or railroads to keep the street crossings in good repair, and to pave crossings the width of the street in the same manner and with like paving as the street is paved with, whenever the town paves the street up to the right-of-way over said railroad crossings, and to require and compel said railroad company or companies to provide and maintain proper and suitable gates or watchmen at all street crossings in said town, and to tile or culvert all ditches running along or across their tracks with such material and in such manner as the said board shall direct; power to make provisions for regulating, licensing or restraining theatrical and other public amusements within said town, and all bill posting and advertisements thereof; power to impose and collect and appropriate fines, penalties, forfeitures and imprisonment for the breach of the ordinances, rules and regulations prescribed and adopted by said commissioners; power to make and adopt such rules, regulations and ordinances for the control, government, management and operation of all electric light plants, water-power and sewerage systems in said town as may be deemed proper by said commissioners; power to determine, designate and regulate the route and grades of any railroad or street railway laid or to be laid on or over any street in said town; power to restrain, prohibit and punish drunkards, vagrants,

Fires.

Nuisances.

Quarantine.

Streets, sidewalks and alleys.

Speed of engines and trains.

Street crossings.

Gates or watchmen at street crossings.

Ditches.

Public amusements.

Bill posting and advertising. Fines and penalties.

Electric light plants, water-power and sewerage systems.

Route and grade of railroad and street railways.

Drunkards, vagrants and beggars.

mendicants, street beggars, and persons soliciting alms or subscriptions; power to regulate the vending of wood, meats, vegetables, fruits, fish, poultry and provisions of all kinds, and to prescribe the time and place for selling same; power to provide for paving, cleaning, repairing and keeping in repair and order the streets, sidewalks and alleys within the town; power to suppress, regulate, restrain and prohibit bawdy-houses, and to impose fines and penalties upon owners and agents knowingly renting or leasing houses or buildings to persons who conduct or maintain bawdy-houses within said town; and such other and further powers necessary for the good government of the said town and not inconsistent with the laws of the State.

Vendors.

Paving, cleaning and repairing streets and sidewalks.

Bawdy-houses.

Sec. 17. The board of commissioners shall have authority to fill any vacancy in the board that may occur during its term of office, and also to appoint all officers which it may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their term of office, said term not to exceed the term of said commissioners; and to fix the compensation of the mayor of the said town and the policemen and other officers elected by said board. The board of commissioners of said town shall on the first Thursday night in December, one thousand nine hundred and eight, and biennially thereafter, elect a food inspector, whose duty it shall be to enforce the ordinances passed by the said board regulating the sale of food and food products.

Board to fill vacancies.

Board to appoint officers.

Compensation of mayor and officers.

Election of food inspector.

Sec. 18. After the board of commissioners has organized it shall proceed to the election of a secretary, treasurer, tax collector and as many policemen as it may deem necessary for the efficient administration of the ordinances, regulations and by-laws of the town, who shall hold office during the term of the board of commissioners appointing the same, subject to be removed at any time for misconduct: *Provided*, the board can at any time discontinue the whole police.

Board to elect town officers.

Term of officers.

Proviso: discontinuation of police.

Sec. 19. The board of commissioners shall have power to establish fire limits within said town, within which it shall not be lawful for any person to erect or build any wooden house, make any wooden additions to any building or cover any building with any material other than metal or slate, or other standard roofing. It may prohibit wooden buildings from being removed from one place to another within the same, under such penalties as the board of commissioners may establish. The said board of commissioners shall have power to pull down and remove any building within the corporate limits of the town of Wilson which it may or shall have adjudged and declared dangerous and unsafe for occupation, or a nuisance to the health of the town: *Provided*, the same be not removed or torn down by the owner within thirty days after notice in writing from the mayor. The board

Fire limits.

Wooden buildings.

Dangerous and unsafe buildings.

Building permits.

of commissioners may require the owner or lessee of any lot or premises within the town who shall desire to erect a building thereon, or to add to, remodel or alter any building or buildings already built thereon, or to make other improvements on the same, if said building, additions, alterations or improvements shall cost the estimated sum of one hundred dollars, to take out a building permit from the clerk of said town, for which a fee not exceeding twenty-five cents may be charged, under such rules and regulations as may be prescribed by ordinance, and to enforce the same by proper fines and penalties against said owner or lessee.

Curbing, grading and paving sidewalks.

Sec. 20. The Board of Commissioners of the Town of Wilson shall have the power to require every owner of real estate in the town of Wilson to pay for the curbing and to grade and pave the sidewalks in front of his land. The said board shall have the power to require every owner of real estate situate in the town of Wilson over or against whose land the natural flow of surface water tends or runs, to extend across such land any tiled drain brought or built to the edge or line thereof by the town. The work of paving and tiling herein provided for shall be done in such manner and with such materials as the street committee of said board may direct, and the said commissioners shall have the power to enforce such requirements by fines and penalties,

Drainage.

Work done by town on default of owner.

Collection of cost.

and upon failure of such owner or owners to do such paving or tile draining, as the case may be, the town of Wilson may have the same done and the costs thereof shall be assessed upon the property of such delinquent, and added to the taxes against him or her, and collected in the same manner as the other taxes and assessments are collected, or judgment may be taken by the town of Wilson in the Superior Court of Wilson County for the cost

Lien of judgment.

of such paving or tile draining, and when docketed in the Superior Court of Wilson County such judgment shall have the same lien as is possessed by other judgments docketed in said Superior Court, and be enforced in like manner. That no party shall be

Building in street or line of street forbidden.

Punishment.

allowed to erect any building in a street or line of a projected street, and any person so offending shall be subject to a fine of fifty dollars or thirty days' imprisonment, and such building shall be adjudged to be condemned without cost to the town, and the owner shall be entitled to no damages for the removal of such building.

Tax collector to give bond.

Sec. 21. That the tax collector, whose election is hereby provided for, shall before acting execute a bond payable to the town of Wilson in such sum as the commissioners shall determine, and said tax collector shall be vested with the same power and authority in the collection of taxes that sheriffs have, and be subject to the same fines and penalties for failure and neglect of duty.

Collection of tax by distress.

Sec. 22. That if any persons liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall forthwith proceed to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the town or county if the property sold be personalty, and for thirty days if the property be realty.

Sale of real estate for taxes.

Sec. 23. That when taxes due on any lot or other land (which are hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the commissioners, together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold at the court-house door in Wilson County by the collector, after advertising thirty days in some newspaper published in the town or county, which the collector shall cause to be so published. And the collector shall divide the land into as many parts as may be convenient, and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole, and if no person will pay the whole of said taxes and expenses for the whole land, the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to said town in fee; and if said collector shall desire to divide said land into parts, he is authorized to employ a surveyor for that purpose.

Advertisement.

Method of sale.

Collector to return account of proceedings.

Sec. 24. The collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the price of each, which shall be entered in the book of proceedings of the board, and if there shall be a surplus, after paying said taxes and expenses of advertising, surveying and selling the same, it shall be paid into the town treasury, subject to the demand of the owner.

Surplus.

Power of redemption.

Sec. 25. The owner of any land sold under the provisions of this charter, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds less double the amount of taxes.

Conveyance of property not redeemed.

Sec. 26. That if the estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns, and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, or of any other

matter required to be true or done before the sale, shall be *prima facie* evidence that the same was true and done.

Persons under disability.

Sec. 27. That the real estate of infants or persons *non compos mentis* shall not be sold for tax, and when the same shall be owned by such in common with other persons free of such disability, the sale shall be made as provided in The Code.

Powers of commissioners as to streets.

Sec. 28. That the board of commissioners shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out, change and open new streets or widen or straighten those already open, and make such improvements thereon as the public

Power to borrow money.

convenience may require; and to meet current expenses the said commissioners may borrow money and pledge the faith of the town in such sums as may be necessary, the amount borrowed not

Parks.

to exceed at any one time fifteen thousand dollars; also to lay

Market-house.

out, regulate and establish parks for the use of the town; to build a market-house not to exceed in cost the sum of ten thousand dol-

Public grounds and shade trees.

lars; to regulate and protect public grounds and protect shade

Condemnation of lands.

trees of the town; that whenever any land or right-of-way shall be required for the purpose of opening new streets or widening those already open, or for other objects allowed by this charter, and for want of agreement as to the value thereof the same can-

Valuation.

not be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the town, to be chosen by the commissioners or mayor, who shall each receive a *per diem* of two dollars per day, and who may be required by the board to serve under a penalty of fifty dollars each; and in making said valuation said freeholders, after being duly sworn by the mayor or some justice of the peace of the county, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form

Proviso: appeal.

the measure of valuation of said land or right-of-way: *Provided, nevertheless*, that if any person over whose land the said street may pass, or improvement be erected, or the commissioners be dissatisfied with the valuation then made, then and in that case either party may have an appeal to the next term of the Superior Court of Wilson County; and the said freeholders shall return to the court to which appeal is taken their valuation with the pro-

Land to vest in town.

ceedings thereon; and the land so valued by the freeholders shall vest in the town so long as it may be used for the purposes of the same, as soon as the valuation may be paid or lodged in the hands of the Clerk of the Superior Court (in case of its refusal by the owner of the land or if the town is dissatisfied with the valua-

Proviso: appeal not to delay work.

tion): *Provided, however*, that such appeal shall not hinder or delay the commissioners opening, widening or altering such street

or erecting such improvement: and, *Provided further*, that in case of the discontinuance of the use of the land and its reversion to the owner, the town shall have the right to remove any improvement under its authority erected. Proviso: reversion.

Sec. 29. That in the month of May, one thousand nine hundred and seven, and biennially thereafter, the board of commissioners may appoint three discreet and proper persons among the electors of the town of Wilson, to be constituted and who shall constitute and be styled the Board of Equalization of the Town of Wilson, and the persons so appointed shall continue in office two years and until their successors are duly appointed and duly qualified, unless removed from office or otherwise incapacitated to hold office as herein provided. No member of the board of commissioners, and no person holding an office or appointment under the board of commissioners, shall be eligible or qualified to act as a member of the board of equalization. Board of equalization. Term of office. Persons not eligible.

Sec. 30. That before entering on their duties the members of said board shall take and subscribe before the mayor or some justice of the peace the oath prescribed in section four of article six of the Constitution of the State, and cause the same to be filed in the office of the clerk of said town. Members of board to qualify.

Sec. 31. That said board shall elect from its number a chairman, who shall have power to administer oaths and issue subpœnas for witnesses to appear before the board, who shall be required to appear and testify under like pains and penalties as if summoned to the Superior Court. In the absence of the chairman at any meeting of the board, a temporary chairman shall be chosen, who, during such meeting, shall have and exercise the powers of the regular chairman. Chairman. Temporary chairman.

Sec. 32. Any member of the board of equalization may be removed from office at any time for misbehavior or neglect of office. The board of commissioners shall fill all vacancies occurring in the board of equalization. Removal for cause. Vacancies.

Sec. 33. That as soon as the tax list can be completed by the town clerk, the same shall be by him delivered to the board of equalization, which board shall have power, and it shall be its duty, to act conjointly with the Board of County Commissioners of Wilson County in equalizing the valuation of all property within the corporate limits of said town, and said boards conjointly shall have all the powers given to the board of commissioners of a county to revise a tax list. Tax list delivered to board. Board to act with county commissioners.

Sec. 34. That said boards shall conjointly and carefuly examine the tax lists of the town and county, and shall equalize the valuations of all property within the town limits, so that each tract or lot of land or articles of personal property and other subjects of taxation shall be entered on the respective tax lists of the town and county at their true value in money, and shall cause Boards to examine tax lists and equalize values.

their respective tax lists to conform as nearly as possible, and for this purpose they shall have the power to increase, modify, add to and change the tax lists as made out, so that the valuations of all property within the town limits shall be as nearly uniform as possible, and in doing so they shall observe the following rules and shall have the following powers:

Power to raise valuation.

(1) They shall, after notifying the owner or agent, raise the valuation of such tracts or lots of real property or articles of personal property and all other subjects taxed by the charter as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof.

Power to reduce valuation.

(2) They shall reduce the valuation of such tracts or lots of real property or articles of personal property and other subjects taxed by the charter as in their opinion have been returned above their valuation as compared with the average valuation of real and personal property of said town. In regard to the real property, they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot, and the uses thereof.

To ascertain and insert omitted property.

(3) Whenever said board of equalization shall have reasonable grounds to believe that any person, company or corporation has failed to give in a true, accurate list of such personal property and other subjects taxable by the charter as he, it or they are required to furnish, with the true value thereof, it shall be its duty to ascertain the same and insert the same and the true value in the tax list.

To subpœna witnesses and require production of papers.

(4) In performing the duties required of it the said board of equalization shall have power to subpœna and compel the presence of and examine witnesses and parties who list or fail to list, and send for and require to be brought before it and examine records, books, papers and such other things as it may deem proper to be used in evidence before it, upon the same rules and penalties as are provided for in Superior Courts.

May accept lists of persons.

(5) That said board of equalization, on tendering the prescribed oath, may take a list of any person, company or corporation applying to list his or her or its taxables at any meeting held on or

Fee to clerk.

before the first day of October, upon the applicant paying the clerk twenty-five cents for recording the same, and in ascertaining the value of property and taxables thus listed said board shall have the same powers to investigate and ascertain the true value thereof as is herein given it in other cases.

Commissioners to levy tax.

Sec. 35. That as soon as the tax list can be revised by the board of equalization, the board of commissioners shall proceed to levy the tax on such subjects of taxation as it shall determine, and shall place the tax list in the hands of the collector for col-

Collection of tax.

lection, who shall proceed forthwith in the collection, and shall

complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer.

Failure to list a misdemeanor.

Sec. 36. If any person who is required to list property for taxation shall refuse to answer any question respecting the property required to be listed by him either before the clerk of said board of equalization, or shall refuse to fill out and swear to his returns, whether principal, agent, trustee, accounting officer or otherwise, he shall be guilty of a misdemeanor, and on conviction liable to be punished by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days, and it shall be the duty of the clerk and the chairman of said board to have the offender prosecuted.

Punishment.

Taxing powers.

Sec. 37. That in order to raise a fund for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, namely:

Property tax.

(1) On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the General Assembly *ad valorem*, except incomes, a tax not exceeding one dollar and fifty cents on every hundred dollars' value.

Poll tax.

(2) On all taxable polls, a tax not exceeding three dollars a poll, who were residents in the city on the first day of June of each year, or may have been so resident within sixty days next preceding that day.

Purchase tax.

(3) On every hundred dollars' value of goods, wares and merchandise purchased for resale by any merchant trading in the town within one year next preceding the first day of June of the year in which the same is listed, a tax not exceeding twenty-five cents.

Vehicles.

(4) Upon every omnibus used for the carriage of persons for hire, a license tax not exceeding fifteen dollars a year; and upon every hack, carriage or other vehicle, including express wagons used in the carriage of persons or baggage for hire, and upon every dray used for the transportation of freight or other articles for hire, a license tax not exceeding twelve dollars a year, and a discrimination may be made between one and two-horse vehicles.

Dogs.

Proviso: discrimination.

(5) Upon all dogs kept in the town, and which may so kept on the first day of June, a tax not exceeding five dollars: *Provided, however*, that a discrimination within this limit may be made on the different species and sexes of dogs.

Encroachment on streets.

(6) Upon all encroachments on the streets by porches, piazzas, allowed by the commissioners, a tax not exceeding one dollar per square foot.

Express, telegraph or telephone companies.

(7) Upon every express company and upon every telegraph or telephone company doing business in the city, a tax not exceeding one per centum of its gross receipts in the city, to be given in

upon oath by the managing agent of such company annually at the time when other taxes are listed, and under the [same] penalty as that prescribed in the law of the State.

Shares of stock.

(8) Upon all shares of stock issued by any [corporation], certificates of shares of stock in every banking or other association located within the corporate limits, a tax not exceeding one dollar and fifty cents on every hundred dollars' value, subject to exemptions allowed by law, and the restriction that taxation of such shares shall not be at a greater valuation than is assessed upon other moneyed capital in the hands of individual citizens: *Provided*, the property of such bank or association otherwise taxed by said town, and its property exempt from taxation, be deducted from the aggregate amount of such bank or association's capital stock.

Proviso: property deducted.

Poles.

(9) Upon all poles erected on the streets or sidewalks, or erected within the corporate limits, a tax not to exceed five dollars on each pole.

Additional subjects of taxation.

Sec. 38. That in addition to the subjects listed for taxation, the commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the chief of police instantly, and if the same be not paid on demand, the same may be recovered by suit, or the articles upon which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely: First. Upon all itinerant merchants or peddlers offering to vend in the town, a license tax not exceeding fifty dollars a year, except such as only sell books, charts or maps, or wares of their own manufacture, but not excepting vendors of medicines, by whomsoever manufactured. Not more than one person shall peddle under a single license. The following businesses and professions, a tax not to exceed sixty dollars a year, except those specifically designated: Auctioneers, butchers, bagatelle tables, two dollars per month: barrooms, not to exceed two thousand dollars, payable one-half on January first and one-half on July first; billiard tables, boarding houses, bowling alleys, brickyards, brokers, bottling works, barber shops, carriage shops, plow shops, foundries, sash, door and blind factories, tin shops, chiropodists, draymen, dentists, fishmongers, ice dealers, itinerant horse drovers, lawyers, livery and sales stables, circuses, menageries, itinerant opticians, parades, peddlers, photographers, planing mills, pool tables, skating rinks, wholesale liquor dealers shall pay a license tax not to exceed one hundred dollars per year; horse trading (other than licensed stables) as a business, cotton factories, ginners, shooting galleries, eating saloons and restaurants, oil companies, opera houses, organ and piano tuners and repairers, undertakers, hotels, job printing offices, merry-go-rounds.

Itinerant merchants or peddlers.

Miscellaneous subjects.

Merchants and dealers.

Sec. 39. Every merchant, jeweler, grocer, druggist or other dealer who shall buy and sell goods, wares and merchandise of whatever name or description shall, in addition to his *ad valorem* tax on his stock, pay as a license one-fourth of one per centum on the total amount of purchase in or out of the State for cash or on credit, whether such persons herein mentioned purchase as principal or through an agent, broker or commission merchant.

Property of railroad companies.

Sec. 40. That all office buildings, warehouses, storehouses and all real and personal property located within the corporate limits of said town and belonging to any railroad company shall be listed for purposes of taxation by the principal officers or agents of such companies with the clerk in the manner provided by law for the listing and valuation of real and personal property; all road-beds, rights-of-way and superstructure thereon, main and side tracks, depot buildings and depot grounds, rolling stock and personal property necessary for the construction, repair and successful operations of any railroad company, when any portion of the road-bed, right-of-way or other property is within the corporate limits of said town, shall be taxed as other real and personal property under the rules and regulations as may now or hereafter be provided by the General Assembly of North Carolina for ascertaining the listing and valuation thereof.

Sinking fund.

Special tax.

Sec. 41. That for the purpose of paying off, taking up and cancelling the coupons and bonds issued by said town as the same shall become due, the commissioners may create a sinking fund, and for that purpose the board of commissioners is hereby empowered to levy and collect sufficient special tax each year upon all subjects of taxation which may be now or hereafter embraced in the subjects of taxation under this charter or the laws of North Carolina, which taxes so collected shall at all times be kept separate and distinct: *Provided, nevertheless,* that the rate of taxation shall not at any time exceed one-fourth of one per centum upon all subjects of taxation as herein provided, and a poll tax not exceeding three dollars.

Proviso: tax limit.

Commissioner of sinking fund.

Bond.

Sureties to qualify.

Collector to pay over taxes.

Sec. 42. The board of commissioners shall annually elect a commissioner of the sinking fund, to hold this office until his successor is qualified; he shall give bond, payable to the town of Wilson, in such sum as may be required by the board of commissioners, with at least two sureties, to be approved by the board. The sureties shall make oath that they are worth in real and personal property over and above liabilities and exemptions allowed by law at least the amount of the penalty of the bond; the bond shall annually be renewed during the month of June, and the penalties shall from time to time be increased according to the probable amount of the funds in the hands of the commissioner during the succeeding year. The tax collector shall pay the whole of the special taxes collected for the purposes of paying

the principal and interest of the bonds issued by the town, under provisions of chapter number one hundred and sixty-seven, Private Laws of one thousand eight hundred and eighty-nine, for the construction of water-works and electric lights, to the commissioner, who shall give receipts for said payment, and pay the interest of said bonds issued under said act at the time said interest becomes due. And it shall be the duty of said commissioner to demand said special taxes from time to time from the collector, and if not paid to report the fact to the board.

Commissioner to demand taxes.

Lands for municipal purposes.

Sec. 43. That all lands that are now owned or may hereafter be acquired for municipal purposes by said town shall be considered within the corporate limits of said town, and subject to all rules and police regulations of said town.

Jurisdiction of police.

Sec. 44. The chief of police and other police officers of said town, upon a proper warrant from the mayor, attested by the corporation seal, shall have power to serve the same and make arrest of and hold the person charged if [with] any criminal offense therein anywhere in the State of North Carolina.

Fees in mayor's court.

Sec. 45. That the following fees shall be allowed and collected by the mayor from the person or persons adjudged to pay the cost, or a fine and the cost in his court for violations of the ordinances of the town, to-wit: Issuing warrant for the arrest of persons, each person, one dollar; executing such warrant, each person, one dollar; trial and judgment, each person found guilty, two dollars; issuing subpœnas, each witness, thirty cents; serving subpœnas, each person, thirty cents; taking bond, each person, fifty cents; each continuance, each person, fifty cents; transcript of appeal, each person, fifty cents; commitment, each person, twenty cents. Each witness appearing in the mayor's court, who is duly sworn and examined before the mayor, shall receive and be allowed for each day he is in attendance, fifty cents. All the above fees when collected, except for persons not in the employ or service of the town, shall be paid into the town treasury for the benefit of the town.

Witness fees.

Fees to use of town.

Acts not repealed.

Sec. 46. Nothing herein contained shall be construed to repeal any act or acts of the General Assembly of the State of North Carolina, authorizing the said town of Wilson to issue any bonds for any public improvements, nor to relieve the said town of Wilson from any obligation incurred by the said town by reason of the issuing of said bonds.

Sec. 47. That this act shall go into effect from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 409.

AN ACT TO AMEND CHAPTER 362, PRIVATE LAWS OF 1905, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF COATS."

The General Assembly of North Carolina do enact:

That chapter three hundred and sixty-two, Private Laws of North Carolina for the year one thousand nine hundred and five, known as an act to incorporate the town of Coats, be amended by adding to said chapter the following sections, beginning with section twelve:

"Section 12. That the Board of Commissioners of the Town of Coats shall, not oftener than annually, levy a tax on real and personal property situated within the limits of said town, not exceeding fifty cents on each one hundred dollars' valuation, and on each taxable poll one dollar and fifty cents, the constitutional equation to be ever observed. Commissioners to levy tax. Limit.

"Sec. 13. That during the month of June of each year the board of commissioners of said town of Coats shall cause a tax list to be taken by a list-taker of its appointment in the same manner, as near as may be, as tax lists are taken for State and county purposes; and said list-taker, when so appointed, shall act in conjunction with the list-taker who shall have been appointed for Grove Township, in Harnett County, to list property for taxation for State and county purposes, to the end that the taxes collected by said town may, as near as may be, conform in valuation of property to those collected for State and county purposes. Tax lists.

Sec. 14. That the board shall likewise appoint two discreet persons, who, together with the list-taker mentioned in the preceding section, shall form a board to be known as a Board of Equalization of the Town of Coats, whose duty it shall be, as soon as the tax lists are completed by the list-taker, to take and examine said list and alter the same when necessary in the same manner and for the same purpose as the county board of equalization changes or alters lists made by township list-takers. And any change made in the valuation of the property, real and personal, by said Board of Equalization of the Town of Coats, shall be as binding upon the tax-payer as such changes are when made by the county board of equalization: *Provided*, that it shall be the duty of said Board of Equalization of the Town of Coats to act conjointly with the County Board of Equalization of Harnett County, to the end that property may be equally valued by each of said boards of equalization for all purposes of taxation. Board of equalization. Proviso: board to act with county commissioners.

"Sec. 15. That the said board shall have the power, not oftener than annually, to impose and collect license taxes for the privi- License taxes.

Subjects of license tax.

lege of carrying on business or doing within the corporation any of the acts named in this section, viz.: On all circuses, shows, exhibitions for reward, all gift enterprises, each billiard or pool table, bowling alley or alley of a like kind, bagatelle table or any other table, stand or place for any other game or play, with or without name, unless such alley, stand, place or game or table is kept for private amusement or exercise alone and not prohibited by law and not kept or used in connection with any place where liquors are sold; every merchant, peddler, grocer, druggist and other trader who, as principal or agent, carries on the business of buying and selling goods, wares or merchandise of whatsoever name or description; hotels, boarding houses, restaurants and eating houses; auctioneers, commission merchants or agents, brokers, factors or other persons who deal upon a brokerage or percentage basis; life or fire insurance agents and sewing-machine agents, lightning rod agents; every horse or mule drover or person who buys and sells or receives horses or mules or both for sale, and every person who keeps horses or mules for hire, every itinerant dentist or medical practitioner, portrait or miniature painter, and every person taking likenesses of the human face; on every itinerant soliciting orders for portraits, pictures and other like articles who delivers the same; every butcher or dealer in fresh meats; barber shops, fresh fish dealers—said board shall have power to regulate the sale of fresh meats and fresh fish by restricting their sale to certain localities in said town; every huckster, trader, merchant or his or their agents, who buys produce for sale upon other markets; every owner or driver of a dray or cart who hauls for pay; on every hack or other conveyance used for transportation of passengers for hire within or without said town; upon all persons, corporations, firms or franchises within the town of Coats that may be taxed by the General Assembly; upon all dogs. The board shall use the proceeds of this taxation to defray the expenses of the town and for the improvement thereof, and the same shall be deposited and covered into the general fund in the hands of the treasurer in like manner as other moneys are by said treasurer received and deposited.

Appropriation of taxes.

Collection of license taxes.

"Sec. 16. That all license taxes shall be collected by the chief of police or tax collector, who shall collect the same and issue a license therefor, signed by the mayor and countersigned by the clerk, which license shall not extend beyond June first next after it is issued, and which license shall be taken from a book of blanks to be furnished by the board, and it shall be the duty of the clerk to number consecutively each and every license issued and keep a true and full stub thereof in said blank license book, and, when removed from said license book, it shall thereupon be immediately chargeable against said chief of police or tax collector; and no license not so issued shall be valid as evidence of

the payment of the sum therein named, or for the purpose of carrying on the business or other act therein designated: *Provided*, that in proper cases said board may relieve said chief of police or tax collector from the charge therefor upon his presentation to said board of said license so taken from said book, and upon the clerk, after order thereto, exhibiting to said board a proper entry across the face of the corresponding stub thereof of the final disposition of such license, and that the same be destroyed by said board at the meeting wherein the other acts herein mentioned with reference thereto occur: *Provided further*, that the signature of the said mayor may be by stamp or stencil, but that of said clerk shall be only upon detachment of said license from said license book.

Proviso: relief of officer.

Proviso: signature of mayor and clerk.

"Sec. 17. That from the returns and lists, as provided by this act, the clerk within thirty days after the expiration of the time for taking said lists, shall make out in two books kept or provided for that purpose, an alphabetical list of the persons, companies and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the State and county taxes; one of said books to remain on file in the office of the clerk of said town with receipts unsigned, the other to be delivered to the chief of police or tax collector, as hereinafter provided; and it shall be the duty of said clerk to enter and charge against said chief of police or tax collector upon the books of the town the total amount of the taxes contained in said tax books, subdividing the total charge into as many items as there are different purposes for which said taxes are levied; and it shall be the duty of the chief of police or tax collector to on each day, or as often as more than fifty dollars shall come into his hands by reason of said tax books, apply to said clerk for an order to the treasurer of said town to receive such funds as may on that day or at that time be in his hands, stating and showing to said clerk the different accounts for which said taxes have been collected, whereupon said clerk shall, as hereinafter provided, issue said order to receive; and it shall be the duty of the clerk upon each call of said chief of police or tax collector for order to the treasurer to receive, to, with said chief of police and tax collector, detach from said book remaining on file in his said office corresponding unsigned tax receipts to those accounted for at such times by said chief of police or tax collector, the proceeds of which are asked by him to be received by said treasurer, retaining such unsigned corresponding tax receipts and presenting them to the board at its regular monthly meeting, and such unsigned corresponding tax receipts shall be at that time checked against the tax books in the hands of said chief of police or tax collector, and his reports filed with and for said board.

Tax books.

Book delivered to tax collector.

Taxes charged against tax collector.

Order for treasurer to receive funds.

Board of commissioners to assess tax.

"Sec. 18. That at a meeting immediately following the return of said lists and returns for taxation, the board shall assess the tax for that year upon all the property subject to *ad valorem* taxes and special taxes, and as soon as such assessment is made the town clerk shall compute the taxes due from each person in the same manner as the register of deeds or other officer is required to compute the State and county taxes, and shall, on or before the first day of September, complete said tax lists, making, as herein provided, two copies thereof.

Order to collect taxes.

"Sec. 19. That the mayor and board of commissioners shall, not later than the first day of September of each year, turn one of said lists over to the chief of police or tax collector, as the case may be, and shall endorse thereon an order to collect the taxes therein mentioned, and such order to collect shall have the force and effect of a judgment and execution against the real and personal property of the person charged in such list. Said order shall be in the following or similar form:

Order to have force of judgment. Form of order.

State of North Carolina,
Office of the Mayor and Board of Commissioners
of the Town of Coats.

To the Tax Collector of the Town of Coats:

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the laws set out in the charter of said town and according to the laws of the State of North Carolina.

In witness whereof the mayor and two of the commissioners of said town have hereunto set their hands and affixed the seal of the said town, this ..... day of ....., 190..

.....
Mayor.

(Corporate Seal). .....
Commissioner.

.....
Commissioner.

Tax collector to garnishee.

"Sec. 20. That the town tax collector shall have the same right to garnishee any property or chose in action belonging to or due to any person for the collection of taxes due the town as sheriffs or tax collectors have for the collection of taxes due the State and county of Harnett.

Collection by distress.

"Sec. 21. That the town tax collector shall have the same right and power to levy upon and sell real and personal property or other thing of value belonging to any person for the collection of taxes due the town as sheriffs and tax collectors have for the

collection of taxes due the State and county of Harnett: *Provided*, that on and after the first day of September in each year said town tax collector shall have the power to levy upon and sell, after notice as to time, as required by the laws of the State, the personal property of any person appearing in said list, and shall have power to levy upon and sell real estate of any person appearing in said list on and after the first day of October in each year, and each and every sale may be independent of any other for the same purpose: *Provided further*, that the advertisement required before the sale of either real or personal property shall be that of posting a notice of the same in four public places in said town, including the Town Hall, if any, and the post-office located in said town: *Provided further*, that such sale or sales shall be made at and from the door of the Town Hall or usual place of meeting of the town commissioners, and that in all other respects the sale of both real and personal property for the collection of said taxes shall conform to that applicable to sale for taxes by sheriffs or tax collectors in the collection of taxes for State and county purposes.

Proviso: sale of personal property.

Sale of real estate.

Proviso: advertisement.

Proviso: place of sale.

"Sec. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

"Sec. 23. That this act shall be in force from and after its ratification."

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 410.

AN ACT TO INCORPORATE THE TOWN OF POLLOKSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the town of Polloksville, in the county of Jones, be and the same is hereby incorporated under the name and style of the Town of Polloksville, and that it shall be subject to all the requirements and provisions of law applying to incorporated towns in North Carolina.

Town incorporated.

Corporate name.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the foot of Polloksville Bridge over Trent River, and running easterly with said river to the mouth of Mill Creek, thence up said creek to Mill Creek Bridge and Beaufort Road, thence with said road in a westerly direction to the Wilmington Road, thence crossing the road and following the dividing line between the land of R. N. White and H. A. White, thence in a northerly direction with the H. A. White line to Mrs. A. G. Barrus' corner, and thence on northerly with Mrs. A. G. Barrus' line to Trent River, thence in an easterly direction with said river to the beginning.

Corporate limits.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, three commissioners and a town constable, each of whom shall be elected by a vote of the people at the time and in the manner prescribed for holding elections in incorporated towns.

Commissioners to levy and collect tax.

Sec. 4. That the board of commissioners shall have power and authority to levy and collect an annual tax upon all real and personal property in said town not exceeding twenty-five cents on the hundred dollars' valuation of property and seventy-five cents on each poll, and may also levy and collect a tax upon all other subjects of taxation which are taxed by the State, not exceeding the amount charged by the State.

Town officers.

Sec. 5. That W. J. Geary be appointed mayor, T. A. Bell, John Whitty and Charles A. McDaniel be appointed commissioners, and G. M. Sykes be appointed constable, to serve until their successors are duly elected at the next election of officers in incorporated towns, and are qualified.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 411.

AN ACT TO CHANGE THE BOUNDARY OF THE WHITTIER SPECIAL SCHOOL DISTRICT, IN SWAIN COUNTY.

Preamble.

Whereas, at an election regularly held on the seventh day of November, 1903, at the town of Whittier, Charleston Township, Swain County, for the purpose of voting on the levying of a special school tax within the following boundary, to-wit: Beginning at the county line above the mouth of Conley's Creek, and running with said Swain and Jackson line to T. H. Parrish's lower line to the boundary line of the three thousand two hundred acre Indian tract, then running so as to include said three thousand two hundred acre Indian tract to the Tuckaseegee River at Bag's Cove, thence up said Tuckaseegee River to the mouth of the Ocona Lufta River, then up said Ocona Lufta River to the Swain and Jackson line, then with said Swain and Jackson line to the beginning, a majority of the votes cast were for "Special Tax"; and whereas, it is the will and desire of those residing within said boundary that the bounds thereof be changed: now, therefore,

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That the Whittier Special School Tax boundary, ratified by an election held on the seventh day of November, one

thousand nine hundred and three, be changed, and the territory embraced in said special tax boundary be as follows, to-wit: Beginning at the county line above the mouth of Conley's Creek, and runs thence with the Swain and Jackson County line to T. H. Parrish's lower line; then with Parrish's lower line to the boundary line of the three thousand two hundred acre Indian tract; thence with the line of the three thousand two hundred acre Indian tract, running so as to include said tract, to the Tuckaseegee River at Bag's Cove; thence up the Tuckaseegee River to M. K. Patterson's line; then with Patterson's line and the Indian boundary line to U. A. Hyatt's line; then with U. A. Hyatt's line to H. A. Hyatt's line; then with H. A. Hyatt's line to John Miller's line; then with John Miller's line to P. P. McLean's line; then with McLean's line to H. A. Hyatt's line, then with Hyatt's line to the line of R. H. Hyatt; then with R. H. Hyatt's line to John Cooper's line; then with the lines of R. H. Hyatt and John Cooper to A. J. Sutton's line; then with the lines of A. J. Sutton and R. H. Hyatt to the Tuckaseegee River; thence up the Tuckaseegee River to the mouth of the Ocona Lufta River; then up the Ocona Lufta River to the Swain and Jackson County line; then with the Swain and Jackson County line to the beginning.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 412.

AN ACT TO AMEND CHAPTER 359, PRIVATE LAWS OF 1899, THE CHARTER OF THE TOWN OF APEX.

The General Assembly of North Carolina do enact:

Section 1. That section four of chapter three hundred and fifty-nine of the Private Laws of one thousand eight hundred and ninety-nine be amended by striking out in line three of said section four the words "twenty-five cents," and inserting in lieu thereof the words "one dollar"; and by striking out the words "seventy-five cents," in line six of said section four, and inserting in lieu thereof the words "three dollars." Tax rate.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 413.

AN ACT TO GRANT THE PRIVILEGE OF RAISING ITS MILL DAM TO THE SOUTH RIVER MILLING COMPANY, SOUTH RIVER, ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Right to raise dam granted.

Section 1. That the South River Milling Company, at South River, Rowan County, North Carolina, be and it is hereby granted the privilege of raising its mill dam at said place a distance of not more than two feet: *Provided*, nothing in this act shall affect the right of any property owner to recover for any damages that may be caused by the raising of said dam.

Proviso: rights of property owners

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 414.

AN ACT TO INCORPORATE THE ABSTRACT AND TITLE GUARANTEE COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That H. S. Harkins, Thomas J. Harkins, Jesse D. Penland, S. D. Hall and Kingsland Van Winkle, together with such other persons as they may associate with them, their successors and assigns, be and they are hereby created and constituted a body politic and corporate under the name of Abstract and Title Guarantee Company, by which name they may sue and be sued, plead and defend and shall have the right to adopt and use a common seal and to make such by-laws, rules and regulations as they may deem best for the betterment of said corporation, not inconsistent with the laws of the State, and shall have continual succession for the term of sixty years, with all the rights, privileges, powers and franchises pertaining to a corporation.

Corporate name.

Corporate powers.

Capital stock.

Sec. 2. That the capital stock of said corporation shall be twenty-five thousand dollars ($25,000), divided into two hundred and fifty (250) shares of the par value of one hundred dollars ($100) each. When twenty-five thousand dollars ($25,000) of said capital stock is subscribed, the corporators above named or their assigns shall be deemed and held ready and capable to organize, which they shall do by electing a board of directors to consist of not less than five or more than fifteen persons, who shall serve for one year, or until their successors are elected and

Organization.

Directors.

Term of directors.

qualified, unless it be otherwise provided in the by-laws adopted at such meeting, and such directors so chosen shall proceed to elect a president, whose term shall expire at the expiration of the term of the directors, unless it be otherwise provided in the by-laws; and such board of directors shall elect at such time as it sees fit a vice-president, a secretary and a treasurer, provided that the offices of secretary and treasurer may be filled by one and the same person, and such other officers as it thinks necessary, and increase or diminish the number of said officers at pleasure; and no person shall be elected a director, president, vice-president or treasurer unless he be a stockholder of said corporation. The directors shall require of the treasurer and such other officers of the corporation as they may deem advisable, such bonds and securities for the honest and faithful discharge of their duties as said directors may order. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy. The stockholders of the corporation shall be individually liable, equably and ratably and not one for another, for all contracts and debts of the corporation, to the extent only of the par value of the stock by them respectively subscribed for. That said corporation shall have authority to transact business whenever said two hundred and fifty shares of stock have been fully subscribed to the capital stock, and the sum of one thousand dollars ($1,000) shall have been paid in in cash upon such subscription; further assessments shall be paid in as called for by the directors until all of said capital stock shall have been paid up in full.

President.

Term of president.

Vice-president, secretary and treasurer.

Other officers.

Officers to be stockholders.

Bonded officers.

Stock vote.

Liability of stockholders.

When business to begin.

Assessments on stock.

Sec. 3. That said corporation shall be and it is hereby authorized and empowered to prepare, purchase or otherwise acquire abstract books and memoranda of title to real property in such places in this State as it may deem advisable, to examine and report on the condition of title to real property situated within the State, to prepare and furnish abstracts and reports of the same and to guarantee an owner or other persons against loss by reason of any defect in a title by written policy under such terms and conditions and to receive such compensation as may be agreed upon between the parties, and make and carry out any contract and do any act and exercise any power which an individual person could lawfully do and exercise so far as may be necessary or proper for carrying out the purposes for which this corporation is organized; but the corporation shall not do any act or thing forbidden by law to a corporation organized under the laws of this State.

Powers of company.

Sec. 4. That said corporation shall be and it is hereby authorized and empowered to have, purchase, receive and possess lands, tenements, hereditaments, rents, stocks, goods, chattels and effects of whatever nature or quality, either real or personal or mixed,

Power to hold property.

by gift, grant, demise, bargain and sale; devise, bequest, testament, legacy, loan or otherwise, and by any other mode of conveyance or transfer whatever; and to give, bargain, sell, convey, release, mortgage and dispose of for the whole or any less estate, the property that said corporation has in the same, and also to improve and augment in such manner and form as said corporation by its by-laws and regulations shall direct, and shall and may apply the rents, issues, income, interest and profits of said estate, and the moneys arising from the sale, alienation, disposal or improvement thereof, to the uses, ends and purposes of its creation, according to the rules, regulations and orders of the corporation, as fully and effectually as any natural person, body politic or corporate within the State can or may do or perform.

Power to dispose of property.

Power to improve property.

Power to borrow money.

Sec. 5. That said corporation shall be and it is hereby authorized and empowered to borrow money for use in its corporate name and to secure the same by obligations, pledges, mortgages or otherwise; to issue bonds and debentures, with right of redemption, subject to the terms, conditions, restrictions and limitations contained in the by-laws, which terms, conditions, restrictions and limitations shall also be expressed upon the face of said bonds or debentures and constitute a part thereof; and is hereby authorized and empowered to lend money on mortgages and receive as security therefor its own bonds or debentures or certificates of indebtedness; to act as agent for leasing, managing, mortgaging, buying, selling and improving real estate, and to act under appointment made by power of attorney, by will, or deed or otherwise in any matter, transaction or thing whatsoever, with power to guarantee the payment of principal and interest of mortgages and deeds of trust, and in general to make any contract of guaranty pertaining to real property which the directors may deem advisable.

Power to lend money.

Power to act as agent.

Power to accept and execute trusts.

Sec. 6. That said corporation shall have and is hereby given power and authority to accept and execute trusts of all kinds which may be committed to its care, with its consent, by any person or persons whomsoever, or by any corporation or corporations, or by any court in this or any other State or Territory of the United States; to act as trustee, executor, administrator, guardian, committee of a lunatic, or committee of an habitual drunkard, commissioner, assignee, receiver, broker, factor, agent or attorney for any person or corporation, and for its services shall receive such fees and compensation or emoluments as are or may be allowed to individuals in like cases. And in lieu of the bond or undertaking required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful for said corporation to file in the office of the Clerk of the Superior Court of Buncombe County an undertaking in the sum of ten thousand dollars ($10,000), with sufficient security, either

Power to act in fiduciary capacities.

Undertaking in lieu of bond.

personal surety, or bonds of the State of North Carolina, or of the United States, or of any county or city in the State of North Carolina, or any other security satisfactory to the said clerk, and to be approved by him; and the said undertaking shall be conditioned for the faithful performance of any and all trusts which may be committed to the said corporation by order of any court of said State; and it shall be renewed every three years. In case of default in the performance of any trust so committed to said corporation, said undertaking may be sued upon by or for the party injured, or his legal representative, in the Superior Court of any county in the said State where such default shall have been made. A copy of such undertaking, duly certified by the Clerk of the Superior Court of Buncombe County under his official seal, shall be evidence in the courts of said State. Whenever it shall be made to appear to the satisfaction of the Clerk of said Superior Court that it is necessary, in order to secure the faithful performance of all of said trusts, he may require the said undertaking to be increased to such an amount as he may deem sufficient, not exceeding the sum of fifty thousand dollars ($50,000). And the Superior Court of any county wherein any such trust shall have been committed to said corporation, to have the power to make orders respecting such trust, and to require it to render all accounts which said court might lawfully make or require of natural persons, and in accepting any trusts or powers hereunder, said corporation may qualify by one of its executive officers. The said corporation shall have discretionary power to invest the funds received by it in trust in bonds of the United States or of any State, or the bonds duly authorized to be issued by any county or incorporated city, or other good securities, or in safe real or personal securities; but all such investments shall be at the sole risk of said corporation, and for any losses by reason of such investment, the capital stock, property and effects of said corporation shall be absolutely liable. The corporation shall use diligence to enhance the yearly rents and profits of any trust estate in its hands, but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investment.

Suit in case of default.

Copy of undertaking.

Undertaking to be increased.

Jurisdiction of courts.

Discretionary powers of investment.

Liability of company for income.

Sec. 7. That the stock of this corporation held by any person shall be transferred only on the books of the corporation, either in person or by power of attorney duly executed and acknowledged as required in the case of deeds, and no stockholder shall transfer his stock except by the consent of the directors of the corporation, if he be indebted to the corporation as principal, surety or otherwise, until such indebtedness is paid off and discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens on the stock of said stockholders:

Transfer of stock.

Debt to company a lien on stock.

Proviso: condition to be printed in stock certificate.

Provided, this condition is printed on the certificates of stock issued by the said corporation.

Principal office.

Sec. 8. That the principal office of said corporation shall be in the city of Asheville, county of Buncombe, State of North Carolina, but the directors may establish branch offices at such places as may be deemed advisable by said board of directors.

Branch offices.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 415.

AN ACT TO CONSOLIDATE THE ABERDEEN AND WEST END RAILROAD COMPANY, THE ASHBORO AND MONTGOMERY RAILROAD COMPANY AND THE JACKSON SPRINGS RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

New corporation formed.

Section 1. That the stockholders of the Aberdeen and West End Railroad Company, a corporation organized under and by virtue of chapter seventy-one of the Public Laws of one thousand eight hundred and eighty-nine and the amendments thereto, the stockholders of the Ashboro and Montgomery Railroad Company, a corporation organized under and by virtue of chapter one hundred and five of the Public Laws of one thousand eight hundred and ninety-seven and the amendments thereto, and the stockholders of the Jackson Springs Railroad Company, a corporation organized and existing under and by virtue of the provisions of chapter forty-nine of The Code of North Carolina, their successors and assigns, be and they are hereby constituted a body politic and corporate under the name of the Aberdeen and Ashboro Railroad Company, and under that name they and their successors and assigns shall have all rights, powers, privileges and franchises owned by or belonging or appertaining to each of said corporations.

Corporate name.

Corporate powers.

Companies to transfer to new company.

Sec. 2. That said corporations be and they are hereby authorized and empowered to make, execute and deliver to the said Aberdeen and West End Railroad Company a sale, assignment and transfer of the railroad, leaseholds, rights and rights of action, contracts, moneys, stock, franchises and all other property of every nature and description of said respective corporations.

Capital stock.

Sec. 3. That the capital stock of the Aberdeen and Ashboro Railroad Company shall be the aggregate of the capital stock of said respective corporations.

Stock to be retired and new stock issued.

Sec. 4. That the stockholders of the Aberdeen and West End Railroad Company, the Ashboro and Montgomery Railroad Company and the Jackson Springs Railroad Company be and they are hereby authorized and empowered to retire the present stock of said respective corporations, and in lieu thereof to issue to the stockholders of said respective corporations stock of the Aberdeen and Ashboro Railroad Company equal in value to the shares of stock held by said respective shareholders.

Transfers confirmed.

Sec. 5. That any and all transfers by the Aberdeen and Ashboro Railroad Company of the real or personal property formerly owned by either of said respective corporations be and the same are hereby in all respects ratified and confirmed.

Outstanding incumbrances validated.

Sec. 6. That the validity of any mortgage, bonds or other incumbrance now outstanding against the Aberdeen and West End Railroad Company, the Ashboro and Montgomery Railroad Company or the Jackson Springs Railroad Company shall not be affected by the provisions of this act.

Act to be ratified by companies.

Sec. 7. That the provisions of this act shall not be in effect unless the same be approved and ratified by a majority in value of the stockholders of the Aberdeen and West End Railroad Company, the Ashboro and Montgomery Railroad Company and the Jackson Springs Railroad Company within six months from the ratification of this act.

Sec. 8. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 416.

AN ACT FOR THE RELIEF OF CERTAIN SCHOOL COMMITTEEMEN OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

School committeemen allowed to contract with schools.

Section 1. That all persons who now are or have heretofore been appointed or elected members of the Graded School Committee of the Town of Lincolnton, or of the committee of any school district in Lincoln County, be and they are hereby released and relieved, whether as individuals or in their corporate capacity, from any and all provisions of section three thousand eight hundred and thirty-three of the Revisal of one thousand nine hundred and five, and any and all other provisions of law prohibiting them from supplying goods, wares, merchandise, wood, fuel or other supplies whatever to such graded school or other schools, their

patrons or pupils, and from any and all pains, penalties and prosecutions against them or any of them for or on account of any act or thing heretofore done, directly or indirectly, in violation of said section or other laws.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 417.

AN ACT TO ALLOW THE SOUTH AND WESTERN RAILROAD COMPANY TO PURCHASE THE RAILROADS BETWEEN MARION AND SHELBY.

The General Assembly of North Carolina do enact:

Company authorized to purchase or lease.

Section 1. That the South and Western Railroad Company, a corporation organized under the laws of this State, be and it hereby is authorized and empowered to purchase or take a lease of any part or all of the line of railroad now owned and operated by the Southern Railway Company between the town of Marion, in McDowell County, and the town of Shelby, in Cleveland County. And the said Southern Railway Company be and it is hereby authorized and empowered to sell or lease to the South and Western Railroad Company all or any portion or portions of the said line of railroad, such sale or lease to be for all or such portion or portions of said line between said points, and upon such terms as may be agreed upon between the officers and directors of said South and Western Railroad Company and the said Southern Railway Company.

Southern Railway Company authorized to sell or lease.

South and Western Railroad Company authorized to purchase or lease from Seaboard.

Sec. 2. That the said South and Western Railroad Company be and it hereby is authorized and empowered to purchase or take a lease of any part or all of the line of railroad now owned and operated by the Seaboard Air Line Railway Company between the town of Rutherfordton, in Rutherford County, and the town of Shelby, in Cleveland County. And the said Seaboard Air Line Railway Company be and it hereby is authorized and empowered to sell or lease to the South and Western Railroad Company all or any portion or portions of said line of railroad, such sale or lease to be for all or such portion or portions of said line between said points and upon such terms as may be agreed upon between the officers and directors of said South and Western Railroad Company and said Seaboard Air Line Railway Company.

Seaboard authorized to sell or lease.

Purchase or lease subject to existing obligations.

Sec. 3. That if any sale or lease be made of either of the above mentioned lines of railroad or of any portion or portions thereof,

by virtue of the power conferred by this act, such purchaser or lessee shall take the same subject to the obligations of the vendor or lessor as to public service transportation on such line or portion thereof.

Sec. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 418.

AN ACT TO AUTHORIZE THE TOWN OF KINGS MOUNTAIN, IN THE COUNTIES OF CLEVELAND AND GASTON, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Kings Mountain, North Carolina, is hereby authorized and empowered, in the [name of the] Town of Kings Mountain, to issue bonds in such denominations and forms as it may determine to an amount not to exceed fifty thousand dollars ($50,000), payable at such time or times and at such place or places as the board of commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty years from their date; and the board of commissioners may divide said bonds into classes as it may determine best, and have them mature at different convenient dates within the thirty years aforesaid. Bond issue authorized. Amount. Proviso: maturity. Bonds may be classified.

Sec. 2. That the said bonds shall bear interest from their date at a rate not to exceed six per cent. per annum, to be fixed by the said board of commissioners of said town of Kings Mountain, which interest shall be payable annually or semi-annually on such days as are fixed by said board; and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. The said bonds shall be signed by the mayor, attested by the secretary of said board of commissioners and sealed with the corporate seal of the said town of Kings Mountain, and shall have attached interest coupons, which coupons may be received in payment of town taxes. That said bonds and coupons shall be numbered and a record kept of the same. That the said bonds and coupons shall not be subject to taxation by said town. The Board of Commissioners of the Town of Kings Mountain is hereby authorized to sell or cause to be sold the said bonds or any number of them at public or private sales, and all moneys arising from such sale or sales shall be paid over to the treasurer of said town, and the said treasurer and the sureties Interest. Bonds not to be sold below par. Authentication. Release from town tax. Sale of bonds. Bond of treasurer.

on his official bond shall be liable for said money to the same extent as for moneys belonging to said town which come into his hands; and the board of commissioners may at any time require the bond of the treasurer to be increased so as to secure such amounts as may come into his hands from time to time:

Proviso: compensation of treasurer.

Provided, that the said treasurer shall not receive any compensation for receiving said moneys, and not exceeding one per cent. for disbursing the same.

Special tax for interest and bonds.

Sec. 3. That the mayor and board of commissioners of said town of Kings Mountain, upon the issuing of said bonds, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may be hereafter embraced in the subjects of taxation under the charter of said town, observing at all times the constitutional equation between the poll and property, sufficient to meet the interest on said bonds as the same may accumulate, and to pay the principal thereof when the same shall become due and payable; and such taxes shall be collected in like manner as the other taxes of said town, and be paid into the hands of the treasurer thereof for such purposes.

Moneys to be kept separate.

Sec. 4. That the moneys arising from the sale of such bonds, when paid over to the treasurer as aforesaid, shall be kept separate by him and shall be used for the following purposes: for

Specific appropriation.

macadamizing, paving, draining and otherwise improving the streets and sidewalks of said town; installing and maintaining an electric light plant, or by having the same installed by some person, firm or corporation at a price agreed upon by the said board; and to install, operate and maintain a system of water-

Power to condemn lands.

works and sewerage in said town, and [said board] shall have power and authority to condemn lands for the proper installation and maintenance of said objects mentioned above, or any one or more of said objects as may be deemed best by said board of commissioners.

Bond issue to be voted on.

Sec. 5. That before any of the bonds herein provided for shall be issued or taxes levied, the question of issuing and levying the same shall first be submitted to the qualified voters of said town, after thirty days' notice in some newspaper published in said town, at an election to be under the same rules and regulations as are now provided by law for the election of the mayor and

Notice of election.

board of commissioners of said town. Such notice shall set forth the object or objects for which said bonds are to be issued, the amount of same, the rate of interest, the time when they mature

Tickets.

and the rate of tax to be levied to pay the same. All qualified voters in favor of the issuing of said bonds and of the levying of the necessary tax to pay the same shall vote a ticket on which shall be printed or written the words "For Bond Issue," and those disapproving the same shall deposit a like ballot on which

shall be written or printed the words "Against Bond Issue." And if at such election a majority of the qualified voters shall vote "For Bond Issue," then the board of commissioners shall issue the bonds provided for in such notice, and shall levy and order the collection of the taxes therein named and authorized by this act. And if a majority shall fail to vote "For Bond Issue," then the board of commissioners may again submit the question at such future time or times as it may elect under the same rules and regulations as already prescribed. Further elections.

Sec. 6. That the result of said election shall be certified by the officers holding the same to the board of commissioners of said town at such time as it may designate, and the board of commissioners of said town shall at such time verify the same and declare the result, and cause the same to be recorded in their minutes, and after thirty days after such recording in said minutes, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein certified. Certificate and record of result.

Sec. 7. That nothing in this act is to be construed so as to require the purchaser or purchasers of any of said bonds to see that the purchase money paid for such bonds is applied to the purposes prescribed in this act. Obligation of purchasers.

Sec. 8. The taxes levied and collected to create a sinking fund, with which to pay off the bonds as the same accumulate from time to time, may be loaned out under the supervision and direction of the board of commissioners of said town, until such time as the same can be paid in cancellation of such bonds, and the interest from such loans shall be applied and credited to such sinking fund. Investment of sinking funds.

Sec. 9. That a full itemized statement of all receipts and disbursements shall be published in some newspaper published in Cleveland County, by the treasurer, on the first day of May next after each and every election and levy of taxes hereunder, and on the first day of each succeeding May thereafter; and such treasurer shall be subject to a fine of twenty-five dollars for failure to publish such statement as prescribed in this section. Itemized statements to be published. Penalty for failure.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 419.

AN ACT TO INCORPORATE THE SHINING LIGHT ASSOCIATION OF KINGS MOUNTAIN, NORTH CAROLINA.

Preamble.

Whereas, certain citizens of the State of North Carolina have associated themselves together under the name and style of the Shining Light Association, with the intention and purpose of promoting charity, benevolence, morality and intelligence: now, therefore,

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Vatch McGill, Supreme Grand Ruler; William McNair, Deputy Supreme Grand Ruler; Rufus Harper, Supreme Grand Secretary; Emanuel Gilmore, Supreme Grand Treasurer; Lizzie Harry, Supreme Grand Mistress; Lizzie Thompson, Deputy Supreme Grand Mistress, their successors, associates and assigns be and they are hereby incorporated and created a body politic.

Principal lodge.

Sec. 2. The principal lodge of the said association shall be established in the town of Kings Mountain, North Carolina; but the said association may establish subordinate lodges in any county of this State, under such rules, regulations and terms as may be provided and adopted by the principal lodge.

Terms of office.
Elections.

Sec. 3. That the officers herein mentioned shall hold their respective offices for a period of five years; and at the expiration of their term of office an election shall be held for the election of the grand officers, who shall hold their offices for a period of two years, and there shall be held every two years thereafter an election of grand officers; but the officers of the subordinate associations shall be elected annually: *Provided, however*, in case of death, resignation or removal from the State of any of the members named herein or their successors, the remaining members herein named shall have authority to elect a successor to fill the vacancy so caused.

Proviso: vacancies.

Objects of association.

Sec. 4. That the objects of the association shall be to unite fraternally all colored men and women of good moral character, to give all moral and material aid in its power to its members and those dependent upon them, to assist widows and orphans; to establish a fund for the sick and distressed members, and to establish an endowment fund on such terms and in such amounts as the needs of the members demand and the ability of the association will allow, or as may be provided for in the constitution and by-laws of the association.

Members not personally liable.

Sec. 5. That the private property of the members of the association shall be exempt from the debts of the association.

Funds of association.

Sec. 6. That said association shall have power to collect, hold and disburse the funds named in its objects for the benefit of its

members, and said funds shall be exempt from execution, and under no circumstances liable for the debts of any of its living or deceased members.

Exemption from tax.

Sec. 7. That said association shall be exempt from any privilege, State, county, city or town taxes.

Term of corporation.

Sec. 8. That this act shall be in force from and after its ratification, and shall remain in force for a period of ninety-nine (99) years.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 420.

AN ACT TO AUTHORIZE THE TOWN OF RUTHERFORDTON, NORTH CAROLINA, TO ISSUE BONDS AND LEVY SPECIAL TAX.

The General Assembly of North Carolina do enact:

Election authorized.

Section 1. That the Board of Commissioners of the Town of Rutherfordton, in the county of Rutherford and State of North Carolina, be and it is hereby authorized and empowered to cause an election to be held in said town at any time and at as many times as said commissioners may appoint, for the purpose of submitting to the qualified voters of said town the question of issuing bonds not to exceed twenty-five thousand dollars ($25,000) in amount, for the purposes and under the provisions hereinafter named in this act, and levying and collecting annually a special tax to provide for the payment of the interest thereon. Said election or elections shall be advertised by the commissioners of said town for thirty days prior to the day of election in some newspaper published in said town, and the said election shall be held under the same rules and regulations as are prescribed by law for the election of mayor and commissioners of said town. It shall be the duty of the commissioners of said town to specify in each advertisement for said election, under this act, the amount of bonds to be voted for at such election and the purpose or purposes for which they are to be issued; and those who are in favor of issuing the amount of bonds specified in any advertisement calling an election for said purpose, and levying and collecting said tax, shall vote a written or printed ticket with the words "For Bonds" thereon, and those who oppose shall vote a written or printed ticket with the words "Against Bonds" thereon.

Question to be voted on.

Advertisement of election.

Law governing election.

Tickets.

Appropriation of proceeds of bonds.

Sec. 2. That the proceeds arising from the sale of said bonds shall be applied or used in the following manner: ten thousand dollars ($10,000) for the construction and equipment of a modern

graded school building, the remainder to be used for general improvements of the town, such as electric lights, water-works, or graded and macadam roads, as the board of commissioners may see best. But the same shall be used for the purposes specified in the notices of elections.

Specific appropriation.

Bonds to be issued.

Sec. 3. If a majority of the qualified voters of said town at any election called under this act shall vote "For Bonds," then the mayor and commissioners of said town shall issue coupon bonds not to exceed the amount voted for at said election, and in denominations not less than one hundred dollars ($100) and not more than five hundred dollars ($500), bearing interest from the date of the bonds at a rate not to exceed six per cent. per annum, payable annually or semi-annually, to be determined by the said commissioners, at some place designated in said bonds and on such dates as the said board may determine of each year, until said bonds become due. The said bonds shall be made payable at a time not more than thirty nor less than twenty years from the date thereof. The bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of said town and countersigned by the clerk of the board of town commissioners; and a record shall be kept of all bonds and coupons showing the number, amount and to whom sold, and when due. The interest coupons shall be received in payment of all taxes, fines and debts due said town. The said bonds shall be sold by the mayor and commissioners to the best advantage possible, and shall not be sold for less than their face value, and the proceeds of the said sale shall be turned over to the town treasurer to be used under the direction of the said mayor and commissioners for the purposes specified in the notice of said election.

Amount.

Interest.

Maturity.

Authentication.

Record.

Coupons receivable for taxes.

Sale of bonds.

Tax for interest.

Sec. 4. In order to pay the interest on said bonds, the commissioners of said town are hereby authorized, and it shall be their duty to annually compute and levy, at the time of levying other taxes of said town, a sufficient special tax upon all polls and all property, real and personal, and on other subjects of taxation mentioned in the charter of said town which shall be returned or listed for general taxation in said town, with which to regularly and promptly pay the interest on said bonds; said taxes shall be collected in the same manner and at the same time the other taxes in said town are collected, and shall be paid over by the town tax collector to the treasurer of said town, which officer shall give a justified bond in a sufficient amount to cover said taxes, and the said tax collector shall likewise give a justified bond sufficient to cover said amount of taxes, both bonds to be approved by the board of town commissioners and filed with the mayor of said town.

Collection and payment of tax.

Treasurer and tax collector to give bonds.

Taxes kept separate.

Specific appropriation.

Sec. 5. That the taxes levied and collected for the purposes specified in this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for

which they were levied and collected: *Provided*, that if the tax levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and said commissioners, at the time of levying taxes for payment of interest for said next succeeding year, shall take into consideration said excess, and compute and levy said taxes accordingly. Proviso: disposition of excess.

Sec. 6. That this act shall apply to the said town of Rutherfordton under its present corporate limits as the same are now located, or may at any time hereafter be located. Application of act.

Sec. 7. That this act shall be in force from and after its ratification, and all laws in conflict with the same are hereby repealed.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 421.

AN ACT TO INCORPORATE THE CUMBERLAND COUNTY GENEALOGICAL AND HISTORICAL SOCIETY.

Whereas, many of the "dispersed abroad" and their descendants are constantly inquiring of those at home, particularly of our public officers, of matters concerning their ancestors and of the history of our people and county: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That Mrs. E. J. Hale, Miss Georgia Hicks, Colonel C. W. Broadfoot, Captain E. R. MacKethan, of Fayetteville, North Carolina, their associates and successors be and they are hereby created a corporation under the name of The Cumberland County Genealogical and Historical Society, with all the rights, powers and privileges granted to corporations under chapter two hundred and eleven, section one thousand one hundred and twenty-eight of the Revisal of one thousand nine hundred and five, except the rights to acquire and hold property. Corporators. Corporate name.

Sec. 2. That said corporation, being for historical research and for public service, shall be exempt from fees on this charter and from all taxes, and shall not be required to make a report to or be subject to visitation or control by any power created by this State, but shall be free and untrammeled to carry out the purposes of its incorporation. Corporate exemptions.

Sec. 3. That the officers of said society shall have access to the public records of Cumberland County at all times, with the right to make search and certify copies of the same at pleasure; Access to public records.

Fees for certified copies.

and should certified copies of any public record or papers on file be requested of any public officer of Cumberland County, he shall be allowed only half fees for certifying the same.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 422.

AN ACT TO AMEND CHAPTER 365 OF THE PRIVATE LAWS OF 1905, RELATIVE TO THE LEVYING OF A SPECIAL SCHOOL TAX IN THE TOWN OF AHOSKIE.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and sixty-five of the Private Laws of nineteen hundred and five be and the same is hereby amended by inserting after section three thereof the following: "The board of commissioners of said town shall order an election under a new registration after thirty days' notice in some public newspaper published in the county in which said town is located, and in three public places in said town, to ascertain the will of the people whether there shall be levied in said town a special annual tax of not more than thirty cents on the one hundred dollars' valuation of property and ninety cents on the poll, to supplement the public school fund of said town. Said election shall be held in the different election wards under the law governing municipal elections in said town. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be written or printed the words 'For Special Tax,' and those who are opposed shall vote a ticket on which shall be written or printed the words 'Against Special Tax.' In case a majority of the qualified voters at said election is in favor of said tax, the same shall be annually levied and collected in said town in the manner prescribed for the levy and collection of other town taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the Committee of the Ahoskie Graded School District, and shall be by said committee expended exclusively upon the graded schools of said town."

Election and new registration to be ordered. Notice.

Question to be voted on.

Law governing elections.

Tickets.

Appropriation.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 423.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WINTERVILLE, IN PITT COUNTY, AND TO EXTEND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter ninety-five (95) of the Private Laws of one thousand eight hundred and ninety-seven be amended by striking out the words "sixty-two (62) of The Code," in line four, and inserting in lieu thereof the words "seventy-three (73) of the Revisal of one thousand nine hundred and five." Reference to general law changed.

Sec. 2. That chapter two hundred and fifty-six (256) of the Private Laws of one thousand eight hundred and ninety-nine be amended by striking out section one, and inserting in lieu thereof the following words and figures, to-wit:

"Sec. 1. That the corporate limits of said town shall be as follows: Beginning at a point in the center of the right-of-way of the Kinston Branch of the Atlantic Coast Line Railroad, eight hundred (800) yards in a northerly direction from the center of the intersection of Main and Railroad Streets, and running from thence in an easterly direction and at right angles with said railroad eight hundred (800) yards; thence in a southerly direction parallel with said railroad sixteen hundred (1600) yards; thence in a westerly direction at right angles with the second line sixteen hundred (1600) yards; thence in a northerly direction parallel with said railroad sixteen hundred (1600) yards; thence in an easterly direction eight hundred (800) yards to the beginning." Corporate limits.

Sec. 3. That the mayor of the said town of Winterville is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said town which are or hereafter may be given to justices of the peace; he shall preserve and keep the peace, and may cause upon proper proceedings persons charged or convicted of crimes in other counties or States who may be found in the town limits to be arrested and bound or imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the town; to enforce penalties by issuing executions upon any adjudged violations thereof, to execute the laws and ordinances made by the commissioners of said town. He may issue his warrants to the constable or policemen of the town, or to such Mayor made special court. General jurisdiction. Jurisdiction under town ordinances. Warrants.

other officers as a justice of the peace may issue his precepts, and such officers may execute them in any part of Pitt County.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 424.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF SMITHFIELD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporation continued.

Section 1. That the inhabitants of the town of Smithfield shall be and continue as they heretofore have been a body politic and

Corporate name.

corporate, and henceforth the corporation shall bear the name

Corporate rights.

and style of the Town of Smithfield, and under such name and style is hereby invested with all property and rights of property which now belong to the corporation under any other corporate name or names heretofore used, and by this name may acquire and hold for the purpose of its government and welfare and improvement all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value three hundred thousand dollars, and shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real or personal property.

Corporate limits.

Sec. 2. That the corporate limits of the town of Smithfield shall be as follows: Beginning on Neuse River at the mouth of Buffalo Creek, and runs up said creek to pointers, corner of the colored cemetery; thence along the line of said cemetery and along the line of the north side of North Street 60½ east 41.50 chains to a stake; thence south 29½ west to a stake on the south side of the Goldsboro Road; thence along the south side of the said road crossing the Wilson and Florence Railroad south 69 east 18.63 chains to a stake on the line of the right-of-way of said road, sixty-five feet from the center of track; thence along the right-of-way of said railroad on the southeast side 59.70 chains to a stake on said right-of-way; thence north 60½ west 24.16 chains, crossing said railroad to a stake on the Smithfield and Goldsboro Road (known as the River Road), where a ditch crosses said road; thence along the southwest side of said road 18.60 chains to a stake opposite the corner of the J. G. Rose land and the Turlington Graded School land; thence crossing the road and running as the J. G. Rose line north 67 west 30.90 chains to a poplar in the Rose Mill Branch; thence down said branch to Neuse River; thence up said river to the beginning.

Wards.

Sec. 3. That the town of Smithfield is hereby divided into four (4) wards, denominated the First, Second, Third and Fourth Wards. The First Ward is bounded as follows: Beginning at the north side of North Street where it is intersected by Second Street, and runs south with Second Street and with a line beyond Second Street to the J. G. Rose line, the same being the southern extension of the town limits; thence with the town line to Neuse River; thence up Neuse River to the mouth of Buffalo Creek; thence up Buffalo Creek to where North Street runs to Buffalo Creek; thence with North Street eastwardly to the beginning. The Second Ward is bounded as follows: Beginning at the north side of North Street where it is intersected by Second Street, and runs south with Second Street and beyond Second Street to the Rose line, the southern extension of the town limits; thence east with the Rose line and town line to Third Street; thence north with Third Street to North Street; thence west with North Street to the beginning. The Third Ward is bounded as follows: Beginning at the north side of North Street where it is intersected by Third Street, and runs south with Third Street to the southern extension of the town line to a ditch; thence east with said town line to a stake in a line of Fourth Street; thence north to Fourth Street; thence with Fourth Street north to North Street; thence west with North Street to the beginning. That the Fourth Ward is bounded as follows: Beginning at the north side of North Street where it is intersected by Fourth Street, and runs south with Fourth Street to the southern extension of the town limits; thence with the town line to the eastern boundary line of said town to the Smithfield and Goldsboro Road; thence west with said road to a stake on said road, the same being a corner in said line; thence north as the town line runs to the extension of North Street; thence with North Street west to the beginning.

First ward.

Second ward.

Third ward.

Fourth ward.

Town elections.

Sec. 4. There shall be an election on Tuesday after the first Monday in May in the year one thousand nine hundred and seven, and biennially thereafter, for seven commissioners for said town, who shall hold their office for two years or until their successors are qualified. The First Ward shall have one commissioner, the Second, Third and Fourth Wards shall have two commissioners each. The said commissioners shall be residents of the wards from which they are chosen, and shall be elected by the qualified voters of each ward.

Apportionment of commissioners.

Residence of commissioners.

Appointment of registrar.

Sec. 5. The Board of Commissioners of Johnston County shall appoint at or before its meeting in March, one thousand nine hundred and seven, and biennially thereafter, a registrar of voters of said town. Said registrar shall give thirty days' notice at the court-house and two other public places in said town of a registration of voters in and for said town, specifying time

Registrar to give notice.

Vacancy.

and place. In case of vacancy in the position of registrar for any cause, the mayor of the town shall fill such vacancy by appointment.

Registration books.

Sec. 6. Said registrar shall be furnished by said county commissioners with registration books at the expense of the town,

Registration.

and it shall be the duty of said registrar to open his books at the time and place designated by said county commissioners in said town, at least thirty days before the day of election herein provided for, and to register therein the names of all persons applying for registration and entitled to register and vote. It shall be the duty of the registrar to keep the names of the white

Residence designated.

voters separate and apart from those of colored voters, and he shall designate on the registration books opposite the name of each person registering the ward in which he resides and his place of residence in such ward, and if any applicant for registration shall not disclose his place of residence in his ward, his willful failure so to do shall be *prima facie* evidence that he is not entitled to registration in such ward.

Appointment of judges of election.

Sec. 7. The Board of Commissioners of Johnston County, at or before its meeting in April, one thousand nine hundred and seven, and biennially thereafter, shall appoint four judges or inspectors of election for said town, who with the registrar shall open the polls and superintend the same on the day of election

Polling place.

herein specified, and the polls shall be opened at the court-house

Authority and powers of registrar and judges.

in said town. The registrar and judges of election whose appointments are herein provided for shall have authority to administer oaths, and shall have all the powers of such officers under the general laws regulating elections.

Qualifications for registration.

Sec. 8. All electors who shall have resided in the State twelve months and in the town of Smithfield ninety days next preceding the election shall be entitled to register.

Election of mayor.

Sec. 9. That the commissioners of the said town, after being duly qualified, shall on Thursday succeeding the day of their election elect by ballot a mayor for the said town of Smithfield,

Mayor to preside at meetings of commissioners.

and the mayor shall preside at all meetings of the board of commissioners, and have all the rights and powers and perform all the duties heretofore prescribed by law for said office.

Chief of police to attend polls.

Sec. 10. That at all elections held by virtue of this act, the chief of police of said town shall attend the polls, and by himself and his assistants preserve order.

Term of mayor and commissioners.

Sec. 11. That the mayor and commissioners shall hold their offices respectively until the next succeeding election and until their respective successors are qualified.

Mayor to qualify.

Sec. 12. That the mayor, immediately after his election, and before entering upon the duties of office, shall take before a justice

Form of oath.

of the peace the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truthfully, according to my best skill and ability, all the duties of the

office of Mayor of the Town of Smithfield while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations enacted for the government of the town of Smithfield, and in the discharge of my duties, I will strive to do equal justice in all cases whatsoever."

Commissioners to qualify.

Sec. 13. That on Thursday succeeding the day of election, the commissioners elected thereat shall qualify by taking oath of office before the mayor or a justice of the peace, as prescribed for commissioners of incorporated towns.

Commissioners to fill vacancy in office of mayor.

Sec. 14. That if any person chosen mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the commissioners shall choose some qualified person mayor for the term or unexpired portion of the term, as the case may be, and on all like occasions and in like manner the commissioners shall choose other commissioners to supply the place of such as shall refuse to act, and [fill] all vacancies which may occur, and such persons only shall be chosen as are hereinbefore declared to be eligible.

And commissioners.

In case of failure to elect at proper time.

Sec. 15. That in any case of failure to elect municipal officers on any Tuesday after the first Monday in May, the electors residing within said town of Smithfield may, after ten days' notice, signed by any three of said electors and posted up at three public places within the corporate limits of said town, proceed to hold an election of municipal officers in the way and manner provided for in Revisal of one thousand nine hundred and five, chapter seventy-three.

Mayor constituted inferior court.

Sec. 16. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town of Smithfield, have all the power, jurisdiction and authority of justices of the peace in criminal cases to issue process, and also to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the board of commissioners. The mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty, he shall be fined at the discretion of the court or mayor not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same, such offender may be imprisoned not more than thirty days in the town lock-up or in the common jail of the county, and that in all cases where a defendant may be adjudged to be imprisoned by the said special court, it shall be competent for said court to adjudge also that the same defendant work during

General jurisdiction.

Jurisdiction under town ordinances.

Special court.

Prisoners sentenced to public works.

the period of his confinement on the public streets or other public works of said town.

Precepts of mayor.

Sec. 17. That the mayor may issue his precepts to the chief of police or any policeman of the town, and to such other officers to whom a justice of the peace may direct his precepts.

Mayor to keep minutes. Force of judgments.

Sec. 18. That the mayor shall keep a faithful minute of the precepts issued by him and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties in the courts of Johnston and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Johnston.

Violation of town ordinance a misdemeanor. Punishment. Preliminary affidavits not required.

Sec. 19. That any violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisonment of not more than thirty days, and no preliminary affidavits shall be necessary to give the mayor final jurisdiction over the offenses against the town ordinance.

Fines to use of town.

Sec. 20. That all fines collected under the provisions of this act for violation of the ordinances of said town shall go to the use of the said town.

Duties of mayor.

Sec. 21. That the mayor when present shall preside at all meetings of the board of commissioners, and when there is any equal division upon any question or in the election of officers by the board, he shall determine the matter by vote. He shall vote in no other case, and if he shall be absent, it may appoint one of its number chairman *pro tempore* to exercise his duties at the board, and in the event of his absence or sickness, the board of commissioners may appoint one of its own number *pro tempore* to exercise his duties.

Mayor pro tem.

Commissioners to form one board. Quorum.

Sec. 22. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners unless otherwise provided.

When to convene. Meetings.

Within five days after the election they shall convene for the transaction of business, and shall then fix stated days of the meetings for the year, which shall be as often at least as once in every calendar month.

Special meetings.

The special meetings of the commissioners may also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor or the commissioners, and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing.

Forfeit for failure to attend meetings.

Sec. 23. That if any commissioner shall fail to attend a general meeting of the board of commissioners, or any special meeting of which he shall have notice, as prescribed in this charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of four dollars.

Power to borrow money.

Sec. 24. That among the powers hereby conferred on the board of commissioners, it may borrow money only by the consent of a majority of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation after thirty days' public notice, at which time those who consent to the same shall vote "Approved," and those who do not consent shall vote "Not Approved." It shall provide water, provide for repairing and cleansing the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint and regulate the town police force, suppress and remove nuisances, preserve the health of the town from contagious or infectious diseases, appoint constables to execute precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order, and execute the ordinances of the town; and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary.

Duties of commissioners.

Officers to be appointed by commissioners.

Sec. 25. That the commissioners at their first meeting after their election, or as soon thereafter as possible, shall appoint a clerk, a treasurer, a collector of taxes, a chief of police and if necessary one or more assistants, who shall respectively hold their offices during the official term of the commissioners, subject, however, to removal at any time, and others appointed in their stead, for misbehavior or neglect in office. Before acting, each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond payable to the town of Smithfield in such a sum as the commissioners shall determine.

Terms of officers.

Removal for cause.

Officers to be sworn.

Bonds.

Salary and duty of clerk.

Sec. 26. That the clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the board of commissioners.

Journals and papers subject to inspection.

Sec. 27. That every person shall be allowed to inspect the journals and papers of the board in the presence of the clerk.

Salary and duty of treasurer.

Sec. 28. That the treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands moneys or securities belonging to the town which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the town, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the board of commissioners whenever required to do so. On the expiration of his term of office, he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping

or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed on him as town treasurer.

Orders on treasurer.

Sec. 29. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and shall state the purpose for which the money is applied, and the treasurer shall specify said purpose in his accounts, and also the source whence are derived the moneys received by him.

Duties of tax collector.

Sec. 30. The tax collector shall proceed forthwith to collect the taxes laid upon such subjects of taxation as the board of commissioners may direct within five days after the list shall have been placed in his hands, and shall complete the same on or before the first day of April next ensuing, and shall pay the moneys, certificates, vouchers and so forth, as they are collected, to the treasurer, taking his receipt for the same; and for this purpose he is hereby invested with all the powers which are now or may hereafter be invested in a sheriff or collector of State taxes; he shall rent out the market stalls and vegetable stands, prosecute all persons who retail without having paid the tax imposed or sell without a license, also at every monthly meeting of the board of commissioners, he shall produce an abstract showing the sums received by him upon each subject of taxation, and the amount still due thereon; he shall further specify in said abstract the amount of cash received, and the amount of certificates or other vouchers received in payment of taxes, which abstract shall be placed in the hands of the committee on finance, to be filed with its chairman, and all books and documents belonging to or used in the office of the collector shall be and are hereby declared to be the property and records of the town, and shall be at all times subject to the inspection and examination of the mayor and board of commissioners. The collector shall receive for his compensation such fees and commissions as may be allowed by the board of commissioners, and he shall on or before the fifteenth day of April in each year settle his accounts in full for the entire amount of taxes levied by the board, under the supervision of the committee on finance, and if the collector shall have been unable to collect any part of said taxes by reason of the insolvency of any of the persons owing the same, or other good reasons, he shall on oath deliver a list of all such insolvents, delinquents and all other tax returns uncollected to the committee on finance, to be laid before the board of commissioners, and if approved, he shall be credited with the amount thereof or so much as may be approved; he and his sureties on his bond shall be answerable for the remainder and for all other taxes or levies not collected and paid over by him which he is or may be required by law to collect, and his bond shall be put in suit by the chairman of the finance committee and the attorney.

Powers of tax collector.

Further duties of tax collector.

Books and documents subject to inspection.

Fees and commissions of tax collector.

Time of settlement.

List of insolvents and delinquents.

Liability on bond.

Receipts and disbursements to be posted.

Sec. 31. That the board of commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town, for the general inspection of the citizens, and cause the same to be posted up at the courthouse door in said town ten days before the day of the annual election of commissioners.

Duties of police.

Sec. 32. That it shall be the duty of the police to see that the laws, ordinances and orders of the board of commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending all offenders, and for that purpose they shall have all the power and authority vested in sheriffs and county constables; they shall execute all precepts lawfully directed to them by the mayor and other judicial officers, and in the execution thereof shall have the same powers which the sheriff and constables of the county have, and they shall have the same fees on all process and precepts executed or returned to them which may be allowed to the sheriff of the county on like process and precepts, and also such other compensation as the board of commissioners may allow.

Power and authority of police.

Further duties.

Fees.

Suits on official bonds.

Sec. 33. That for any breach of his official bond by the treasurer, clerk, tax collector or any other town officer who may be required to give an official bond, he shall be liable in an action on the same in the name of the town, at the suit of the town or any person aggrieved by such breach, and the same may be put in suit without assignment, from time to time, until the whole penalty be recovered.

Powers of commissioners in regard to streets.

Sec. 34. That the board of commissioners shall have power to lay out and open any streets within the corporate limits of the town whenever by it deemed necessary, and have power at any time to widen, enlarge, change or extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town; and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof; but in case the owner of the land and the commissioners cannot agree as to the damages, the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town, and in case the owner of the land shall refuse to choose such arbitrator, then the sheriff of the county shall in his stead select one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the lands condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purposes speci-

Power to condemn land.

Assessment of damages by arbitration.

fied, and all damages agreed upon by the commissioners, or awarded by the arbitrators or umpire, shall be paid as other town liabilities by taxation: *Provided*, that either party may appeal to the Superior Court as now provided by law.

Proviso: appeals.

Prisoners to be worked on streets.

Sec. 35. That the board of commissioners shall have authority to put to and keep at work upon the streets or public grounds of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may have been imposed on such person or persons by the mayor of the town, and the said commissioners shall have authority by the ordinances and by-laws of the town to confine, control and manage such person or persons until the said fines, penalties or forfeitures, together with the costs thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may establish.

Powers to levy and assess taxes.

Property tax.

Poll tax.

Sec. 36. That in order to raise a fund for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, viz.: on all real estate and personal property within the corporate limits of the town; upon all money on hand, solvent credits; upon all polls and other subjects of taxation taxed by the General Assembly for public purposes.

Tax limit.

Sec. 37. That the annual tax on property enumerated in the preceding section shall not exceed sixty-six and two-thirds cents on the hundred dollars' valuation thereof, nor shall the poll tax annually exceed two dollars.

License taxes.

Subjects of license tax.

Sec. 38. That in addition to the subjects of taxation for State purposes, the commissioners shall have the power to levy and collect a special or license tax not to exceed fifty dollars on the following subjects, to-wit: all itinerant merchants, peddlers or auctioneers who shall sell or offer to sell privately or at public outcry within the town limits, whether by ascending or descending bids; each express company, each telegraph office and each railroad company having a depot within the town limits; each photograph artist and person taking likeness of the human face by whatsoever art; each broker, bank or banker's office; each dealer in cotton futures; each dealer in patent rights; each sewing machine agent; all commission merchants and commercial brokers; each distiller of fruit or grain; each livery stable; every resident or non-resident huckster or trader or agent of such who buys produce on the street for sale in other markets; each gift enterprise and lottery; each dray; each omnibus; each hotel; each barber shop; each lightning rod agent; each fire or life insurance agent; on each auctioneer; on every agency for the sale of steam engines, boilers and machinery not manufactured in this town; every dealer in buggies, wagons or other vehicles not manufactured in this town; each and every surgeon, dentist, practicing physician, optician, practicing lawyer, civil engineer, real estate agent or broker, aurist, oculist and chiropodist; each

bootblack; each cleaner and presser of clothing; each vendor or manufacturer of soft or cold drinks containing bromide, caffeine or any drink containing coal tar extracts or alcoholic stimulants; each dealer in fireworks of whatever kind.

Animals running at large.

Sec. 39. That the board of commissioners shall have power to declare all horses, mules, cattle, swine, sheep, goats and dogs running at large within the limits of the town a nuisance, and the commissioners may at their option impose a fine upon the owner or owners of said animals so running at large, or may treat the same as a nuisance and abate or prohibit by law.

Further subjects of taxation.

Sec. 40. That in addition to the subjects of taxation enumerated in section thirty-eight, the commissioners may levy a tax on the following subjects, the amount of which tax when fixed, shall be collected by the tax collector instantly, and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

Games and eating houses.

(I) Upon every bowling alley, billiard table, pool table, bagatelle table, shooting gallery, skating rink or any other game allowed by law, and on every victualing house or restaurant, established, used or kept in the town, a tax not exceeding one hundred dollars a year.

License to retail liquors.

(II) Upon every permission by the board of commissioners to retail spirituous liquors, a tax not exceeding five hundred dollars.

Circus riders.

(III) Upon every company of circus riders who shall exhibit within the town, a tax not exceeding one hundred dollars for each separate exhibition, the tax to be paid before the exhibition, and if not, to be doubled.

Stage performers and other amusements.

(IV) Upon every company of stage or theatrical performers, every sleight-of-hand performer, rope or wire dancer or performer, every exhibitor of natural or artificial curiosities, every single person or company of singers, dancers, Ethiopian minstrels, or performers on musical instruments who shall sing, dance, perform or play on musical instruments for reward, five dollars for each exhibition.

Other shows or exhibitions.

(V) Upon each show or exhibition of any other kind, and upon each concert or lecture for reward, a fine of five dollars for each exhibition.

Dogs.

(VI) Upon each male dog, an annual tax of one dollar, and upon each female dog, a tax of three dollars.

Streets to be kept clean and in repair.

Sec. 41. That the board of commissioners shall cause to be kept clean and in good repair the streets, sidewalks and alleys; it may establish the width and ascertain the location of those already provided, and lay out and open others; may reduce the width of all these; it may also establish and regulate the public grounds and protect the shade trees of the town.

Fire ordinances.

Sec. 42. That the board of commissioners shall have power to establish ordinances to prevent and extinguish fires; to provide for the establishment or organization, equipment and government of fire companies; provide said companies with fire engine, fire hose and necessary appurtenances.

Fire companies and apparatus.

Nuisances.

Sec. 43. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same, or the owner or tenants of the grounds, whoever the same may be, and may regulate the same if allowed to be established, any slaughter-house or place, or the exercise within the town of any offensive or unhealthy trade, business or employment.

Police regulations.

Sec. 44. That they may prohibit by penalties the riding or driving of horses or other animals in a careless or dangerous manner, or at a greater speed than seven miles per hour within the town limits, and also the firing of guns, pistols, gunpowder, crackers or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the town.

Markets.

Sec. 45. That the commissioners may establish and regulate the markets, prescribe at what time and place within the town marketable articles shall be sold.

Public buildings.

Fire limits.

Sec. 46. That they may establish all public buildings necessary and proper for the town, and prevent the erection or establishment of wooden buildings in any part of the town where they may increase the danger of fire.

Appointment of police.

Sec. 47. That the board of commissioners is hereby authorized and empowered to appoint and employ the police force for said town, of persons residing either in or out of the corporate limits of said town.

Graveyards

Sec. 48. That it may provide graveyards in or near the corporate limits, and regulate the same; may appoint and pay a keeper, and compel the keeping and returning bills of mortality, and it may prohibit interment within the town.

Quarantine powers.

Sec. 49. That the board of commissioners may take such measures as it deems effectual to prevent the entrance into town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for the purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital, may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonble means all nuisances which may be injurious to the public health.

Hospitals.

Removal of infected persons.

Destruction of infected articles.

Forfeit for obstruction to removal of infected persons.

Sec. 50. That if any person shall attempt by force or by threats of violence to prevent the removal to the hospital of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the town one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Regulation of railroad trains.

Sec. 51. That the board of commissioners may govern and regulate the speed of railroad trains while running within the corporate limits of the town, and prohibit the ringing of bells, blowing of steam whistles, either during the day or night, within the town limits.

County commissioners not to grant liquor license.

Sec. 52. That it shall not be lawful for the Commissioners of Johnston County to grant any license to retail spirituous liquors within the limits of the town, or within one mile thereof, without permission first obtained from the board of commissioners for the town, it being at the time of the application to the county commissioners; and if any license shall be granted without permission in writing, attested by the clerk of the board of commissioners, and exhibited to the county commissioners, and filed with the clerk of the board of county commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment as in other cases of retailing without a license, and shall moreover forfeit and pay to the town the sum of twenty dollars: *Provided*, that nothing in this act shall be construed to authorize or permit the sale of spirituous liquors in said town.

Recovery of penalties.

Sec. 53. That all penalties imposed by law relating to the town of Smithfield, or by this act by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the Town of Smithfield before the mayor or any tribunal having jurisdiction thereof..

Limit of penalties.

Sec. 54. That the board of commissioners shall not have power to impose for any offense a larger penalty than fifty dollars unless the same is expressly authorized, and from any judgment of the mayor by this act, or for any other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from a judgment of a justice of the peace.

Appeals.

Salaries to be fixed by commissioners.

Sec. 55. That the board of commissioners shall have power to fix the salary of the mayor, treasurer, clerk, tax collector and any other officer of the town, or increase or diminish the same from time to time as it may elect.

Powers under general law.

Sec. 56. That the town of Smithfield is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter seventy-two, Revisal of one thousand nine hundred and five.

Power to issue bonds.

Sec. 57. That the board of commissioners of the said town of Smithfield is hereby authorized and empowered to issue bonds in the name of the Town of Smithfield, in such denominations and

Limit.

forms as it may determine, to an amount not exceeding sixty thousand dollars, payable at such time or times and at such place or places as the board of town commissioners may prescribe:

Proviso: maturity.

Provided, that the time of payment of such bonds shall not be more than thirty years from their date of issue.

Interest.

Sec. 58. That the said bonds shall bear interest at no greater rate than six per cent. per annum, which interest shall be payable annually or semi-annually, as the board of commissioners may

Bonds not to be sold below par.

prescribe, and in no case shall said bonds be sold or otherwise be disposed of for less than par value.

Authentication.

Sec. 59. The said bonds shall be signed by the mayor, attested by the town clerk and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, and the coupons

Special tax for bonds and coupons.

shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity and said coupons as they may become due, it shall be the duty of the board of commissioners, and it is hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and at the same time and in the same manner as other taxes are collected under said

Proviso: tax limit.

charter: *Provided*, that the total of taxation allowed for the special purposes set forth in this act shall not exceed fifty cents on each hundred dollars' valuation of property, and one dollar

Proviso: specific appropriation.

and fifty cents on each taxable poll: *Provided further*, that the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and interest coupons as the same may become due, and it shall be the duty of the town treasurer, as said coupons are taken up and paid off, to cancel the same,

Reports.

and report not less than twice a year to the board of commissioners the number and amount of the coupons so cancelled.

Bond issue to be voted on.

Sec. 60. That the board of commissioners shall not issue said bonds nor any of them, nor levy or collect said tax, until it shall have been authorized and empowered so to do by a majority of the qualified voters of said town at an election to be held at such time

Notice of election.

as said board may appoint, of which election notice shall be given for not less than thirty days in some newspaper published in said town, and at such an election those favoring the issue of said bonds and the levy and collection of the tax for the pay-

Ballots.

ment of said bonds and coupons shall vote a ballot upon which is written or printed the word "Improvements," and those opposing the same shall vote a written or printed ballot containing

Law governing election.

the words "No Improvements." Said election shall be held under the same rules and regulations as elections for mayor and other

Proviso: new registration.

town officials: *Provided*, that the board of commissioners may in its discretion order a new registration of voters: *Provided further*,

Proviso: subsequent elections.

that a failure of the voters to ratify this act in any election held as aforesaid shall not prevent the board of county commissioners

in its discretion from causing a subsequent election to be held for the same purpose.

Sec. 61. That the said bonds and proceeds arising from the sale of the same shall be used by the Board of Town Commissioners of Smithfield for the following purposes and for no other purpose, to-wit: For erecting, equipping, conducting and operating an electric light plant to furnish lights for the streets of said town and for its citizens; for constructing and equipping a system of water-works and maintaining and operating the same, to furnish water for the use of the town and its citizens; for constructing and maintaining a sewerage system for the town; to build a Town Hall, market-house and other necessary public buildings, and to furnish the same: *Provided*, that the purchasers of said bonds shall in no case be held responsible for the application of said bonds.

Appropriation of proceeds of bonds.

Proviso: responsibility of purchasers.

Sec. 62. That the said Board of Commissioners of the Town of Smithfield shall have entire supervision and control of any and all of the plans and works established under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper, and pay the same from any of the revenues of the town not otherwise appropriated, and do all other proper things to carry into effect the true interest (intent) of this act.

Commissioners to supervise and control public works.

Agents, servants and employees.

Sec. 63. That all laws and clauses of law coming in conflict with this act be and same are hereby repealed.

Sec. 64. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of March, A. D. 1907.

CHAPTER 425.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF PINE LEVEL, IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Pine Level shall be and continue, as they heretofore have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of the Town of Pine Level, and under such name and style is hereby invested with all property and rights of property which now belong to the corporation under any other corporate name or names heretofore used, and by this name acquire and hold for the purpose of its government and welfare and improvement all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value one hundred thousand dollars,

Corporation continued.

Corporate name.

Corporate powers.

and shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real or personal property.

Corporate limits.

Sec. 2. That the corporate limits of said town of Pine Level shall be as follows, viz.: Beginning at the culvert on the North Carolina Railroad, and runs with a ditch to the canal in Moccasin Swamp, thence southeast with said canal to B. Godwin's line; thence southwest to the south corner of the Primitive Baptist Church lot; thence west to the Smithfield Road; thence a direct line to the beginning.

Town elections.

Sec. 3. There shall, once in every two years, on the first Monday in May, be elected a mayor and three commissioners for said town, who shall hold their offices until their successors are qualified, all of whom shall be *bona fide* residents of said town of Pine Level.

County commissioners to appoint registrar of voters.

Sec. 4. The Board of Commissioners of Johnston County shall appoint at or before its meeting in March, one thousand nine hundred and seven, and biennially thereafter, a registrar of voters of said town. Said registrar shall give ten days' notice at three public places in said town of a registration of voters in and for said town, specifying time and place; in case of vacancy in the position of registrar from any cause, the Mayor of Pine Level shall fill the vacancy.

Notice of registration.

Registration books.

Sec. 5. Said registrar shall be furnished by said county commissioners with registration books at the expense of the town, and it shall be the duty of said registrar to open his books at the time and place designated by said town commissioners in said town, at least thirty days before the day of election herein provided for, and to register therein the names of all persons applying for registration and entitled to register and vote. It shall be the duty of the registrar to keep the names of the white voters separate and apart from those of colored voters.

Registration.

County commissioners to appoint judges of election.

Sec. 6. The Board of Commissioners of Johnston County, at or before its meeting in April, one thousand nine hundred and seven, and biennially thereafter, shall appoint two judges or inspectors of election of said town, who with the registrar shall open the polls and superintend the same on the day of election herein specified, and the polls shall be opened at the mayor's office in said town. The registrar and judges of election whose appointments are herein provided for shall have authority to administer oaths, and shall have all the powers of such officers under the general laws regulating elections.

Duties of judges.

Polling place.

Authority and power of registrar and judges.

Qualification of electors.

Sec. 7. All electors who shall have resided in the State twelve months and in the town of Pine Level ninety days next preceding the election shall be entitled to register.

Chief of police to attend elections.

Sec. 8. That at all elections held by virtue of this act, the chief of police of said town shall attend the polls, and by himself and his assistants preserve order.

Term of mayor and commissioners.

Sec. 9. That the mayor and commissioners shall hold their offices respectively until the next succeeding election and until their respective successors are qualified.

Mayor to qualify.

Sec. 10. That the mayor, immediately after his election, and before entering upon the duties of his office, shall take before a justice of the peace the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truthfully, according to my best skill and ability, all the duties of the office of Mayor of the Town of Pine Level while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations enacted for the government of the town of Pine Level, and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

Form of oath.

Commissioners to qualify.

Sec. 11. That on Thursday succeeding the day of election, the commissioners elected thereat shall qualify by taking the oath of office before the mayor or a justice of the peace, as prescribed for commissioners of incorporated towns, and when organized, shall succeed to and have all the rights, powers and duties prescribed by law.

Commissioners to fill vacancies.

Sec. 12. That if any person chosen mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the commissioners shall choose some qualified person mayor for the town [term], or unexpired portion of the term, as the case may be, and on like occasions and in like manner the commissioners shall choose other commissioners to supply the places of such as shall refuse to act, and fill all vacancies which may occur, and such persons only shall be chosen as are hereinbefore declared to be eligible.

Mayor constituted inferior court. General jurisdiction.

Sec. 13. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town of Pine Level, have all the power, jurisdiction and authority of justices of the peace in criminal cases to issue process, and also to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violations thereof, and to execute the by-laws, rules and regulations made by the board of commissioners. The mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty he shall be fined at the discretion of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated; or at the discretion of the mayor or court trying the same, such offender may be imprisoned not more than thirty days in the town lock-up or in the common jail of the county, and that in all cases where a defendant may be adjudged

Special court.

Prisoners may be sentenced to street work.

to be imprisoned by the said special court, it shall be competent for said court to adjudge also that the said defendant work during the period of his confinement on the public streets or other public works of said town, or on the county roads.

Precepts of mayor.

Sec. 14. That the mayor may issue his precepts to the chief of police or any policeman of the town, and to such other officers to whom a justice of the peace may direct his precepts.

Mayor to keep minutes. Force of judgments.

Sec. 15. That the mayor shall keep a faithful minute of the precepts issued by him and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties in the court [county] of Johnston and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Johnston.

Violation of town ordinances a misdemeanor.

Sec. 16. That any violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisonment of not more than thirty days.

Fines to use of town.

Sec. 17. That all fines collected under the provisions of this act for violation of the ordinances of said town shall go to the use of the public schools of Johnston County.

Duties of mayor.

Sec. 18. That the mayor when present shall preside at all meetings of the board of commissioners, and when there is any equal division upon any question or in the election of officers by the board, he shall determine the matter by vote. He shall vote in no other case, and if he shall be absent, it may appoint one of its number chairman *pro tempore* to exercise his duties at the board, and in the event of his absence or sickness, the board of commissioners may appoint one of its own number *pro tempore* to exercise his duties.

Mayor pro tem.

Commissioners to form one board.

Sec. 19. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners unless otherwise provided. Within five days after the election they shall convene for the transaction of business, and shall then fix stated days of the meetings for the year, which shall be as often at least as once in every calendar month. The special meetings of the commissioners may also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor, or when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing.

When commissioners to convene. Meetings. Special meetings.

Forfeit for failure to attend meetings.

Sec. 20. That if any commissioner shall fail to attend a general meeting of the board of commissioners, or any special meeting of which he shall have notice, as prescribed in this charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of four dollars.

Power to borrow money.

Sec. 21. That among the powers hereby conferred on the board of commissioners, it may borrow money only by the consent of a majority of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation after thirty days' public notice, at which time those who consent to the same shall vote "Approved," and those who do not consent shall vote "Not Approved." It shall provide water, provide for repairing and cleansing the streets, regulate the market, take all proper means to prevent and extinguish fires; make regulations to cause the due observance of Sunday, appoint and regulate the town police force, suppress and remove nuisances, preserve the health of the town from contagious or infectious diseases, appoint constables to execute precepts, as the mayor and other persons may lawfully issue to them, to preserve the peace and order and execute the ordinances of the town; and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary.

Duties of commissioners.

Officers to be appointed by commissioners.

Sec. 22. That the commissioners at their first meeting after their election, or as soon thereafter as possible, shall appoint a clerk, a treasurer, a collector of taxes, a chief of police, and if necessary one or more assistants, who shall respectively hold their offices during the official term of the commissioners, subject, however, to removal at any time, and others appointed in their stead, for misbehavior or neglect in office. Before acting, each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond payable to the town of Pine Level in such sum as the commissioners shall determine.

Term of officers.

Officers to qualify.

Salary and duty of clerks.

Sec. 23. That the clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the board of commissioners.

Journals and papers open to inspection.

Sec. 24. That every person shall be allowed to inspect the journals and papers of the board in the presence of the clerk.

Salary and duties of treasurer.

Sec. 25. That the treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands moneys or securities belonging to the town which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the town, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the board of commissioners whenever required to do so. On the expiration of his term of office, he shall deliver to his successor all the moneys, securities and other property entrusted to him

for safe-keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed on him as town treasurer.

Orders on treasurer.

Sec. 26. That all orders drawn on the treasurer shall be signed by the mayor, and countersigned by the clerk, and shall state the purpose for which the money is applied, and the treasurer shall specify said purpose in his accounts, and also the sources whence are derived the moneys received by him.

Duties of tax collector.

Sec. 27. The tax collector shall proceed forthwith to collect the taxes laid upon such subjects of taxation as the board of commissioners may direct within five days after the list shall have been placed in his hands, and shall complete the same on or before the first day of April next ensuing, and shall pay the moneys, certificates, vouchers and so forth, as they are collected, to the treasurer, taking his receipt for the same; and for this purpose he is hereby invested with all the powers which are now or may hereafter be invested in a sheriff or collector of State taxes; he shall rent out the market stalls and vegetable stands, prosecute all persons who retail without having paid the tax imposed, or sell without a license; also at every monthly meeting of the board of commissioners, he shall produce an abstract showing the sums received by him upon each subject of taxation, and the amount still due thereon; he shall further specify in said abstract the amount of cash received, and the amount of certificates or other vouchers received in payment of taxes, which abstract shall be placed in the hands of the commissioners, and all books and documents belonging to or used in the office of the collector shall be and are hereby declared to be the property and records of the town, and shall be at all times subject to the inspection and examination of the mayor and board of commissioners. The tax collector shall receive for his compensation such fees and commissions as may be allowed by the board of commissioners, and he shall on or before the fifteenth day of April in each year settle his accounts in full for the entire amount of taxes levied by the board, under the supervision of the commissioners, and if the collector shall have been unable to collect any part of said taxes by reason of the insolvency of any of the persons owing the same, or other good reasons, he shall on oath deliver a list of all such insolvents, delinquents, and all other tax returns uncollected, to the commissioners, to be laid before the board of commissioners, and if approved, he shall be credited with the amount thereof or so much as may be approved; he and his sureties on his bond shall be answerable for the remainder, and for all other taxes or levies not collected and paid over by him which he is or may be required by law to collect, and his bond shall be put in suit by the mayor.

Powers of tax collector.

Further duties of tax collector.

Books and documents open for inspection.

Fees and commissions.

Time of settlement.

List of insolvents and delinquents.

Liability of bond.

Receipts and disbursements to be posted.

Sec. 28. That the board of commissioners shall cause to be made out annually a fair transcript of their receipts and dis-

bursements on account of the town, for the general inspection of the citizens, and cause the same to be posted up at the [mayor's] office in said town ten days before the day of the annual election of commissioners. That it shall be the duty of the police to see that the laws, ordinances and orders of the board of commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehend all offenders, and for that purpose they shall have all the power and authority vested in sheriffs and county constables; they shall execute all precepts lawfully directed to them by the mayor or other judicial officers, and in the execution thereof shall have the same powers which the sheriff and constables of the county have, and they shall have the same fees on all process and precepts executed or returned to them which may be allowed to the sheriff of the county on like process and precepts, and also such other compensation as the board of commissioners may allow.

Duty of police.

Power and authority.

Further duties and powers.

Sec. 29. That for any breach of his official bond by the treasurer, clerk, tax collector, or any other town officer who may be required to give an official bond, he shall be liable in an action on the same in the name of the town, at the suit of the town, or any person aggrieved by such breach, and the same may be put in suit without assignment, from time to time, until the whole penalty be recovered.

Suits on official bonds.

Sec. 30. That the board of commissioners shall have power to lay out and open any street within the corporate limits of the town whenever by it deemed necessary, and have power at any time to widen, enlarge, change or extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town; and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof; but in case the owner of the land and the commissioners cannot agree as to the damages, the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town, and in case the owner of the land shall refuse to choose such arbitrator, then the sheriff of the county shall in his stead select one for him, and in case the two chosen as aforesaid cannot agree, they shall elect an umpire, whose duty it shall be to examine the lands condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purpose specified, and all damages agreed upon by the commissioners or awarded by the arbitrators or umpire shall be paid as other town liabilities,

Powers of commissioners as to streets.

Condemnation of land.

Arbitration of damages.

Proviso: appeal.

by taxation: *Provided*, that either party may appeal to the Superior Court as now provided by law.

Commissioners to work certain persons on streets or public grounds.

Sec. 31. That the board of commissioners shall have authority to put and keep at work upon the streets or public grounds of the town any person or persons who may fail to pay any fines, penalties or forfeitures which may have been imposed on such person or persons by the mayor of the town, and the said commissioners shall have authority by the ordinances and by-laws of the town to confine, control and manage such person or persons until the said fines, penalties or forfeitures, together with the costs thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may establish.

Power to levy and collect taxes.

Sec. 32. That in order to raise a fund for the expenses incident to the proper government of the town, the commissioners may

Property tax.

annually levy and collect the following taxes, viz.: on all real estate and personal property within the corporate limits of the

Poll tax.

town; upon all money on hand, solvent credits; upon all polls and other subjects of taxation taxed by the General Assembly for public purposes.

Tax limit.

Sec. 33. That the annual tax on property enumerated in the preceding section shall not exceed thirty-three and one-third cents on the hundred dollars' valuation thereof, nor shall the poll tax annually exceed one dollar.

License taxes.

Sec. 34. That in addition to the subjects of taxation for State purposes, the commissioners shall have the power to levy and collect a special or license tax not to exceed fifty dollars on the

Subjects of license tax.

following subjects, to-wit: all itinerant merchants, peddlers or auctioneers who shall sell or offer to sell privately or at public outcry within the town limits, whether by ascending or descending bids; each express company, each telegraph company and each railroad company having a depot within the town limits; each photograph artist and person taking likenesses of the human face by whatsoever art; each broker, bank or banker's office; each dealer in cotton futures; each dealer in patent rights; each sewing machine agent; all commission merchants and commercial brokers; each distiller of fruit or grain; each livery stable; every resident or non-resident huckster or trader or agent of such who buys produce on the streets for sale in other markets; each gift enterprise and lottery; each dray; each omnibus; each hotel; each barber shop; each lightning rod agent; each fire or life insurance agent; on each auctioneer; on every agency for the sale of steam engines, boilers and machinery not manufactured in this town; every dealer in buggies, wagons or other vehicles not manufactured in this town; each and every surgeon, dentist, practicing physician, optician, practicing lawyer, civil engineer, real estate agent or broker, aurist, oculist and chiropodist.

Animals running at large.

Sec. 35. That the board of commissioners shall have power to declare all horses, mules, cattle, swine, sheep, goats and dogs running at large within the limits of the town a nuisance, and the commissioners may at their option impose a fine upon the owner or owners of said animals so running at large, or may treat the same as a nuisance and abate or prohibit by law.

Further subjects of taxation.

Sec. 36. That in addition to the subjects of taxation enumerated in section thirty-four, the commissioners may levy a tax on the following subjects, the amount of which tax when fixed shall be collected by the tax collector instantly, and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

Games and eating houses.

I. Upon every bowling alley, billiard table, pool table, bagatelle table, shooting gallery, skating rink or any other game allowed by law, and on every victualing house or restaurant, established, used or kept in the town, a tax not exceeding fifty dollars a year.

Liquor license.

II. Upon every permission by the board of commissioners to retail spirituous liquors, a tax not exceeding one hundred dollars.

Circus riders.

III. Upon every company of circus riders who shall exhibit within the town, a tax not exceeding thirty dollars for each separate exhibition, the tax to be paid before the exhibition, and if not, to be doubled.

Theatrical and other shows.

IV. Upon every company of stage or theatrical performers, every sleight-of-hand performer, rope or wire dancer or performer, every exhibitor of natural or artificial curiosities, every single person or company of singers, dancers, Ethiopian minstrels or performers on musical instruments who shall sing, dance, perform or play on musical instruments, for reward, five dollars for each exhibition.

Other exhibitions, concerts and lectures.

V. Upon each show or exhibition of any other kind, and upon each concert or lecture for reward, a fine of five dollars for each exhibition.

Vendors of drinks.

VI. Upon each vendor of cold drinks or vendor of coca-cola, or any drinks or substance containing bromidia, caffeine or any coal tar preparation.

Streets to be kept clean and in good repair.

Sec. 37. That the board of commissioners shall cause to be kept clean and in good repair the streets, sidewalks and alleys; it may establish the width and ascertain the location of those already provided, and lay out and open others; may reduce the width of all these; it may also establish and regulate the public grounds and protect the shade trees of the town.

Fire ordinances.

Fire companies and equipment.

Sec. 38. That the board of commissioners shall have power to establish ordinances to prevent and extinguish fires; to provide for the establishment or organization, equipment and govern-

ment of fire companies; provide said companies with fire engines, fire hose and necessary appurtenances.

Nuisances.

Sec. 39. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same or the owner or tenants of the ground, whoever the same may be, and may regulate the same if allowed to be established, any slaughter-house or place, or the exercise within the town of any offensive or unhealthy trade, business or employment.

Police regulations.

Sec. 40. That they may prohibit by penalties the riding or driving of horses or other animals in a careless or dangerous manner, or at a greater speed than seven miles per hour within the town limits, and also the firing of guns, pistols, gunpowder, crackers or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the town.

Markets.

Sec. 41. That the commissioners may establish and regulate the markets, prescribe at what time and place within the town marketable articles may be sold.

Public buildings.
Fire limits.

Sec. 42. That they may establish all public buildings necessary and proper for the town, and prevent the erection or establishment of wooden buildings in any part of the town where they may increase the danger of fire.

Appointment of police.

Sec. 43. That the board of commissioners is hereby authorized and empowered to appoint and employ the police force for said town, of persons residing either in or out of the corporate limits of said town.

Graveyards.

Sec. 44. That it may provide graveyards in or near the corporate limits, and regulate the same; may appoint and pay a keeper, and compel the keeping and returning bills of mortality, and it may prohibit interment within the town.

Quarantine.

Sec. 45. That the board of commissioners may take such measures as it deems effectual to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for the purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected of being infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the town or destroy any furniture or other articles which may be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to the public health.

Hospitals.
Removal of infected persons.
Destruction of infected articles.

Obstruction of removal a misdemeanor.

Sec. 46. That if any person shall attempt by force or by threats of violence to prevent the removal to the hospital any person ordered to be conveyed thither, the person so offending shall

forfeit and pay to the town one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Regulation of railroad trains.

Sec. 47. That the board of commissioners may govern and regulate the speed of railroad trains while running within the corporate limits of the town, and prohibit the ringing of bells, blowing of steam whistles, either during the day or night within the town limits.

County commissioners not to grant liquor license.

Sec. 48. That it shall not be lawful for the Commissioners of Johnston County to grant any license to retail spirituous liquors within the limits of the town, or within one mile thereof, without permission first obtained from the board of commissioners for the town, it being at the time of the application to the county commissioners; and if any license shall be granted without permission in writing, attested by the clerk of the board of commissioners and exhibited to the county commissioners, and filed with the clerk of the board of county commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment, as in other cases of retailing without a license, and shall moreover forfeit and pay to the town the sum of twenty dollars: *Provided*, that nothing in this act shall be construed to authorize or permit the sale of spirituous liquors in said town.

Recovery of penalties.

Sec. 49. That all penalties imposed by law relating to the town of Pine Level, or by this act or by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the Town of Pine Level before the mayor or any tribunal having jurisdiction thereof.

Limit on penalties.

Sec. 50. That the board of commissioners shall not have power to impose for any offense a larger penalty than fifty dollars, unless the same be expressly authorized, and from any judgment of the mayor by this act, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from a judgment of a justice of the peace.

Appeals.

Commissioners to fix salaries.

Sec. 51. That the board of commissioners shall have power to fix the salary of the mayor, treasurer, clerk, tax collector and any other officer of the town, or increase or diminish the same from time to time as it may elect.

Sec. 52. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

Sec. 53. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 426.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALEM AS CONTAINED IN CHAPTER 40, PRIVATE LAWS OF 1891.

The General Assembly of North Carolina do enact:

Section 1. That section two, chapter forty, Private Laws of one thousand eight hundred and ninety-one, be amended as follows: Strike out all the words in section two from "extended," in line one, to "Salem," in line ten, both inclusive, and insert in lieu thereof the following: "Beginning at the center of Main Street on the south property line of First Street, between Winston and Salem; thence north 83 degrees 45 minutes east with the property line of said street, the same being the corporation line of Winston, one-half of a mile to an iron pipe, the present corner of said Salem corporation; thence leaving the Winston corporation and running parallel to Main Street south 6 degrees 15 minutes east, 906 feet to an iron pipe in the south line of Cemetery Street extended; thence with the line on south side of said street north 82 degrees 45 minutes east, 4835 feet to an iron pipe on the west bank of Brushy Fork Creek; thence down said creek as it meanders, and binding thereon to its junction with Middle Fork Creek; thence down said creek as it meanders, and binding thereon with the former corporation line of Salem to a stake, the former corner of said Salem, the following courses: north 6 degrees 15 minutes west 825 feet to a stake; thence south 83 degrees 45 minutes west 1320 feet to a stake; thence north 6 degrees 15 minutes west 5280 feet, one mile, to a stake; thence north 83 degrees 45 minutes east 3960 feet (¾ mile) along the south property line of First Street to point of beginning."

Corporate limits.

Judges of election.

Sec. 2. That section five, chapter forty, Private Laws of one thousand eight hundred and ninety-one, be amended as follows: In line four strike out the words "Four inspectors of election, two," and insert in lieu thereof "Two judges of election, one." In line four of section eight strike out the words "Four inspectors," and insert in lieu thereof "Two judges." Also in line one of section nine strike out the word "Inspector," and insert in lieu thereof the word "Judge."

Tax limit.

Sec. 3. That section ninety-three, chapter forty, Private Laws of one thousand eight hundred and ninety-one, be amended by inserting the words "and fifty cents" after the word "dollar" and before the word "on," in line ten thereof.

Adjacent territory may be added to town.

Sec. 4. That the adjacent territory to the town of Salem, embraced in the police jurisdiction of said town which lies south of Salem Creek, and fully described and set out in chapter three hundred and sixty-six, Acts of one thousand eight hundred and

ninety-one, as amended by chapter nineteen, Private Acts of one thousand eight hundred and ninety-nine, and the inhabitants thereof, may be incorporated as a part of the town of Salem, under the provisions of the charter of said town and laws of the State of North Carolina applicable thereto in the following manner: upon a petition signed by fifty or more duly qualified electors residing in said territory, and filed with the Board of Commissioners of Salem, asking to be incorporated with the town of Salem, it shall be the duty of the said board of commissioners, and it is hereby in all things fully empowered, to order an election to be held in the said territory or district proposed to be annexed, at a central point to be designated by the board, first providing for a new registration of the electors residing therein, and giving such notice of said registration and election, and in all respects conducting the same and ascertaining the result thereof in conformity to the law governing the municipal elections of the said town: *Provided, however*, that the date of holding said election shall be fixed by the board of commissioners at such time as the board may determine, admitting of lawful notice in regard thereto. At the said election those favoring annexation to the corporation of Salem shall vote a ballot on which shall be printed or written the words "For Annexation," and those opposing shall vote a ballot on which shall be printed or written the words "Against Annexation." If it shall be duly ascertained that the ballot so cast for annexation are a majority of the qualified voters registered for this election, then the said territory or district and the inhabitants thereof shall become *eo instanti* incorporated into the municipality of Salem.

Petition for election.

Election to be ordered.

New registration.

Notice of registration and election.

Proviso: date of election.

Ballots.

Territory incorporated into municipality.

Sec. 5. That all laws in conflict with the provisions of this act are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 427.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Section 1. That Private Laws of the Session of one thousand nine hundred and one, chapter one hundred and twenty-four, be amended as follows: In section thirty-nine (39), after the first sentence, insert the following: "And may condemn lands needful for the purpose of adding to any cemetery in said town now in

Power to condemn lands.

use, or which the said town may hereafter establish, or for the opening of a new cemetery or cemeteries for said town, as provided under its charter: *Provided*, that no land having improvements thereon shall be condemned under authority of this act for the purposes of using as a cemetery."

Tax limit.

Sec. 2. In section forty-three of said chapter one hundred and twenty-four of the Private Laws of one thousand nine hundred and one, strike out the words "thirty-three and one-third," in lines two and three thereof, and insert the words "sixty-five"; in line six, after the word "dollar" and before the word "provided," insert the words "and ninety-five (95) cents."

Sec. 3. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 428.

AN ACT TO AMEND THE MORGANTON GRADED SCHOOL LAWS.

The General Assembly of North Carolina do enact:

Election of secretary.

Section 1. That section eight, chapter four hundred and fifty-five, Public Laws of one thousand nine hundred and three, be amended by striking out between the word "secretary" and the word "shall," in the seventh line of said section, the words "who shall be elected from among the trustees."

Beginning of term of trustees.

Sec. 2. That section three of chapter one hundred and seventy-four, Public Laws of one thousand nine hundred and five, be amended by striking out the word "May," in the last line of said section, and inserting in lieu thereof the word "June,"

Sec. 3. That all laws or parts of laws in conflict with the provisions of this act, as they relate to Morganton, are hereby repealed.

Sec. 4. This act shall be in force and take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 429.

AN ACT TO INCORPORATE EAST KINGS MOUNTAIN, IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of East Kings Mountain, in Gaston County, be and the same is hereby incorporated by the name and style of East Kings Mountain, and shall be subject to all the provisions of, and enjoy and possess all the powers, rights and privileges mentioned in chapter seventy-three (73) of the Revisal of one thousand nine hundred and five. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said town shall be as follows, viz.: Beginning at a point in the Cherryville and Kings Mountain public road, known as the County Line Road, at a point opposite the northwest corner of B. L. Ingle's lot, known as the Ramey House lot, and runs thence with said County Line Road to the point where the corporate line of the town of Kings Mountain crosses said road; thence with the line of the corporate limits of Kings Mountain to Parker's Branch; thence in a northerly direction to the northeast corner of Reuben Keller's lot; thence in a westerly direction to the beginning. Corporate limits.

Sec. 3. That the officers of the said town shall be a mayor and four aldermen or commissioners, and James L. Mauney is hereby appointed mayor, and J. R. Roberts, P. M. Keller, J. D. Payne and C. R. Harmon are hereby appointed aldermen or commissioners, all of whom shall hold office until the first Monday in May, one thousand nine hundred and eight, and until their successors shall be elected and qualified. Town officers. Term.

Sec. 4. That an election shall be held in said town for the election of mayor and aldermen of said town on the first Monday in May, one thousand nine hundred and eight, and biennially thereafter. Town elections.

Sec. 5. That no spirituous, vinous, malt or intoxicating liquors shall be manufactured or sold in said town. Prohibition.

Sec. 6. That the board of aldermen of said town shall pass all ordinances for the good government, quiet, peace, health and safety of said town. Town ordinances.

Sec. 7. That the taxes in said town shall not exceed twenty-five (25) cents on the one hundred dollars' worth of property, and seventy-five (75) cents on the poll. Tax limit.

Sec. 8. This act shall be in effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 430.

AN ACT TO INCORPORATE THE TOWN OF LONG VIEW, IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated. Corporate name. Corporate powers.

Section 1. That the town of Long View, in Catawba County, is hereby incorporated by the name of Long View, and said town shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning, to be the center of the Southern Railway where the boundary of West Hickory crosses said road, running one-half mile north and one-half mile south, making the north and south line one mile; the east and west line shall run from the West Hickory line to the line of Burke County.

Town elections.

Sec. 3. There shall be elected annually by the qualified voters of said town the following officers, to-wit: mayor, three aldermen and town marshal.

Town officers.

Sec. 4. That until such election shall be held in May, one thousand nine hundred and seven, the officers of said town shall be as follows: Daniel Morgan, Mayor; Aldermen, John Carrier, Frank Locke and Marvin Morgan. The said mayor and aldermen are empowered to elect a town marshal to serve till his successor shall be chosen and qualified at the first regular election.

Prohibition.

Sec. 5. That it shall be unlawful to sell or offer to sell within said town any intoxicating liquors whatever.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 431.

AN ACT TO AMEND CHAPTER 196 OF THE PUBLIC LAWS OF 1897, IT BEING AN ACT TO INCORPORATE THE MOUNTAIN RETREAT ASSOCIATION.

The General Assembly of North Carolina do enact:

Limitation modified.

Section 1. That section four of chapter one hundred and ninety-six of the Laws of one thousand eight hundred and ninety-seven be amended by striking out the words after the word "business," in line three of said section, down to and including the word "corporation," in line five of said section.

Members of corporation.

Sec. 2. That section eleven of said chapter one hundred and ninety-six of the Public Laws of one thousand eight hundred and ninety-seven be and the same is hereby repealed.

Notice of meetings.

Sec. 3. That section eighteen of said chapter one hundred and ninety-six be amended by striking out the word "ten," in line six of said section, and inserting in lieu thereof the word "seven."

Votes by ballot.

Sec. 4. That section twenty of said chapter one hundred and ninety-six be amended by striking out the words "or of the corporation or of any committee," and inserting in lieu thereof "the board of directors."

Sec. 5. That section twenty-one of said chapter one hundred and ninety-six be stricken out and repealed, and the following inserted in lieu thereof: "The term 'territory' in this act shall include all real estate now or hereafter owned by said corporation, and which has or shall be conveyed by lease or deeds with conditions attached thereto."

Definition of territory.

Meetings of corporation.

Sec. 6. That section thirteen of chapter one hundred and ninety-six be and the same is hereby repealed.

Sec. 7. That the following sections shall be added to said chapter one hundred and ninety-six, after section twenty-two of said chapter one hundred and ninety-six.

Mountain Retreat Company authorized to sell to Mountain Retreat Association.

Sec. 8. That The Mountain Retreat Company, created and organized under and by virtue of the general laws of North Carolina, is authorized to convey all the real and personal property held and owned by it to The Mountain Retreat Association, and The Mountain Retreat Association shall be entitled to all the assets, real and personal, of The Mountain Retreat Company, and shall do and perform all the obligations and engagements of The Mountain Retreat Company, including the issuance of five hundred shares of preferred stock of the par value of one hundred dollars per share, with the same obligations and rights attached thereto as that ordered to be issued at the meeting of the stockholders of The Mountain Retreat Company held in Charlotte, North Carolina, on the twenty-first day of November, one thousand nine hundred and six.

Mountain Retreat Company to be dissolved.

Sec. 9. When said The Mountain Retreat Company shall have conveyed all its property and assets, real and personal, to said The Mountain Retreat Association, and The Mountain Retreat Association shall have paid all the debts and engagements and performed all the obligations of said The Mountain Retreat Company, said The Mountain Retreat Company shall be dissolved.

Capital stock.

Sec. 10. That said The Mountain Retreat Association shall have the right and power to issue capital stock upon such terms and conditions, and with such rights, immunities and privileges as are allowed by law, to the amount of five hundred thousand dollars of common stock, and two hundred and fifty thousand

dollars of preferred stock, of such par value as shall be determined by the stockholders of The Mountain Retreat Association.

Preferred stock.

Sec. 11. That the five hundred shares of preferred stock directed to be issued by the stockholders of The Mountain Retreat Company at their meeting in Charlotte, North Carolina, on the twenty-first day of November, one thousand nine hundred and six, shall be issued by The Mountain Retreat Association upon the same terms and conditions as said preferred stock ordered to be issued by said The Mountain Retreat Company. And the common stock ordered to be issued by the stockholders of The Mountain Retreat Company at their said meeting in Charlotte, North Carolina, on the said twenty-first day of November, one thousand nine hundred and six, shall be issued by The Mountain Retreat Association upon the same terms and conditions as that ordered to be issued by The Mountain Retreat Company. And common and preferred stock to the respective amounts hereinbefore mentioned may be issued by said The Mountain Retreat Association by the stockholders thereof at any time, in any denominations as to par value, and in any amount or amounts as shall be ordered and directed by the stockholders thereof.

Common stock.

Association may purchase its own stock or stock of other corporations.

Sec. 12. That said The Mountain Retreat Association shall have the power to purchase and hold its own capital stock, and to vote the same through some officer selected and designated by its managing committee, and may purchase, have and hold capital stock of other corporations, domestic and non-resident, and shall have the power to vote the same at any meeting of the stockholders of such corporation through some officer selected and designated by the managing committee of said The Mountain Retreat Association.

Board of directors.

Sec. 13. That the board of directors of said The Mountain Retreat Association shall be not less than twenty-five nor more than fifty in number; two-thirds of whom shall be officers in the Presbyterian Church in the United States.

Election of directors.

Terms.

Sec. 14. Said directors shall be elected at the annual meeting of the stockholders of The Mountain Retreat Association, one-third of whom shall hold their offices for one year; one-third for two years; and one-third for three years, or until their successors are elected and qualified.

Directors to be stockholders.

Sec. 14½. No person shall be a director in said corporation unless he is a stockholder therein.

Managing committee.

Sec. 15. Said directors shall immediately after their election assemble and elect a managing committee for said corporation, which managing committee shall have all the powers granted to said The Mountain Retreat Association in said chapter one hundred and ninety-six of the Laws of one thousand eight hundred and ninety-seven, and acts amendatory thereof; said managing committee shall consist of not less than five nor more than twelve persons.

First managing committee named.

Sec. 16. That the Managing Committee of The Mountain Retreat Association, until the next meeting of the stockholders of said association to be held in August, one thousand nine hundred and seven, shall be and consist of the following named persons: J. R. Howerton, John F. Love, A. C. Miller, S. B. Alexander, Jr., George H. Cornelson, C. C. Lord, J. R. Young, J. D. Murphy, R. P. Smith, Henry Louis Smith, R. A. Morrow, who shall hold their office by virtue of their election as the Managing Committee of The Mountain Retreat Association heretofore had and made, and also by virtue of this legislative appointment.

Objects of association.

Sec. 17. That the objects, aims and purposes of The Mountain Retreat Association are the moral and mental improvement of men and women and the promotion of educational and religious interests; and if the acts and conduct of any stockholder in said corporation shall be such as to materially injure said aims and purposes, then said corporation, The Mountain Retreat Association, shall have the right to buy the stock of such stockholder at its true market value and cancel the same, or place in the treasury of said corporation.

Meetings of stockholders.

Sec. 18. The stockholders of said corporation shall meet annually at such time and place as shall be determined by them in regular meeting, or a special meeting of the stockholders may be called at any time by the managing committee of said corporation upon giving ten days' notice to all the stockholders of the time and place of such meeting, such notice of such special meeting of the stockholders to be signed by the president and secretary and mailed to the last known place of residence of each stockholder.

Executive committee.

Sec. 19. The managing committee hereinbefore mentioned may confer all its powers upon an executive committee to consist of three members, who shall have power to act in the interim between the meetings of the managing committee, but the acts of such executive committee shall be reported to and ratified by the managing committee where such acts are of vital importance.

Police powers.

Sec. 20. All the police and governmental powers for the preservation of peace and good order mentioned in said chapter one hundred and ninety-six of the Laws of one thousand eight hundred and ninety-seven, and chapter ..... of the Public Laws of one thousand nine hundred and one amendatory thereof, are hereby continued and re-enacted and conferred upon The Mountain Retreat Association.

Use of property and income.

Sec. 21. That all the property owned by said corporation and all the income therefrom shall be used for educational, charitable and religious purposes, and beautifying and improving its grounds and properties, and making the same attractive and appropriate for religious and educational purposes, the preservation of health,

the prevention of diseases and the comfort of the inhabitants of the community.

Assessments and taxes.

Sec. 22. That The Mountain Retreat Association or the managing committee thereof may levy and collect assessments and taxes upon all lands, property and polls within its territory under such rules and regulations as shall be prescribed by the managing committee of said corporation.

Sec. 23. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 432.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PENDER COUNTY TO ORDER AN ELECTION, AND TO LEVY A SPECIAL TAX IN SPECIAL SCHOOL DISTRICT NUMBER ONE, IN BURGAW TOWNSHIP, PENDER COUNTY, FOR THE PURPOSE OF ERECTING A GRADED SCHOOL BUILDING IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Special tax authorized.

Section 1. That for the purpose of raising money to defray the expenses of erecting a graded school building in Special School District Number One, for the white race, Burgaw Township, Pender County, the Board of Commissioners of Pender County is hereby authorized to levy a special tax of not exceeding twelve cents on each one hundred dollars' valuation, and thirty-six cents on every taxable poll within said special tax district, at the same time as other general taxes are levied, the same to be computed, collected and accounted for in the same manner, under the same conditions and penalties, and at the same time as other general and special taxes are levied, collected and settled, and the funds derived therefrom shall constitute a special building fund to be used by the trustees or special school district committee to pay for the erection and equipment of a graded school building for said district for the white race.

Tax limit.

Term of tax.

Proviso: amount recommended by trustees.

Sec. 2. That the special tax provided for in section one of this act shall continue in force for a term of ten years: *Provided, however*, it shall be the duty of said board of commissioners to levy such amount each year, subject to the limitation of section one of this act, as may be recommended by the board of trustees or committee, and if for any cause in the judgment of the trustees or committee the same may not be needed in any one year, it may omit the levy for said year or years, without in

any way impairing the force of this act: *Provided*, that the Commissioners of Pender County shall at their first regular or special meeting after the passage of this act order an election to be held in said district, and shall order a new registration and appoint a registrar and two judges of election, and said election shall be held under the law governing elections in special school districts as near as may be; at said election those favoring the tax herein provided for shall vote a ticket on which shall be either written or printed the words "For School Building," and those who are opposed shall vote a ticket on which shall be either written or printed the words "Against School Building." In case a majority of the votes cast at said election shall be in favor of said school building, the county commissioners shall levy the tax as is provided for in section one of this act.

Proviso: election to be ordered.

New registration.

Law governing elections.

Tickets.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 433.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RUTHERFORD COLLEGE, IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and thirty-one of the Private Laws of one thousand nine hundred and one be amended as follows:

(a) By adding at the end of section three of said chapter the following: "And it shall further be unlawful for any person, firm or corporation to sell or dispose of for gain any cigarettes or coca-cola, capudine or other soft drinks containing any preparations of coal tar, cocaine or caffeine within the corporate limits of the said town of Rutherford College, and it shall also be unlawful to sell or dispose of for gain any hard cider or spirituous, vinous or malt liquors to any student of Rutherford College, in any quantity, within five miles of said town, and any person, firm or corporation so offending shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for each and every such offense."

Sale of named articles within town forbidden.

Sale to students within five miles forbidden.

Punishment.

(b) By adding at the end of section four of said chapter the following: "And the future boards of commissioners of said town shall have power in their discretion, in ordering any election therein, to reduce the number of commissioners to be voted for to such smaller number, in no event to be less than three, as they may deem advisable, and the persons elected under such

Number of commissioners may be reduced.

order shall be vested with all of the powers conferred upon the larger number provided for by the original charter of said town, and shall in like manner hold their office until their successors are elected and qualified."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 434.

AN ACT TO AUTHORIZE THE CITY OF FAYETTEVILLE TO ISSUE BONDS FOR ENLARGING ITS SEWERAGE SYSTEM AND FOR PAVING THE STREETS OF SAID CITY.

Preamble.

Whereas, more than seven-tenths of the outstanding bonded indebtedness of the city of Fayetteville is represented by public utilities which pay an income to the city, and the revenues of said city are sufficient to justify the issue of bonds herein provided for, and the welfare of said city requires that it be properly paved: now, therefore,

The General Assembly of North Carolina do enact:

Powers in relation to paving streets.

Section 1. That the city of Fayetteville, through its board of aldermen or its legally constituted agent or agents, be and is hereby authorized and empowered to do and perform all such acts and things as are or may become necessary for the purpose of properly paving its streets, and to that end the authorities of said city are hereby authorized and empowered to take all necessary steps for the safeguarding and protection of its streets against anything which would have a tendency to in any way injure said streets or the pavements thereon, and to render such paving, when put down, less valuable than it otherwise should be, and power of condemnation is hereby given to and vested in said board of aldermen for the purpose of removing from said streets any and all works of any and all kinds which might in any way materially injure said streets, and power is further given to said board of aldermen, its agents and servants, in lieu of condemnation, to require all persons, firms and corporations now using said streets or any of them to so safeguard their operations as not to in anywise materially injure said streets for public purposes, and to interfere with the value of the pavement thereon when put down.

Power of condemnation.

Bond issue authorized.

Amount.

Denominations.

Sec. 2. For the foregoing purpose, it shall be lawful for the city of Fayetteville to issue and sell at a price not less than par the coupon bonds of said city to an amount not exceeding one hundred thousand dollars ($100,000), said bonds to be in denomi-

nations of five hundred dollars and one thousand dollars, and to run for a period of thirty years from the issue of the same, and to bear interest at a rate not exceeding five per cent. per annum, payable semi-annually on the first days of August and February of each year after their issue. Maturity. Interest.

Sec. 3. Said coupon bonds shall be consecutively numbered and signed by the Mayor and Clerk of the City of Fayetteville, and it shall be the duty of said clerk to keep an accurate account of the same. Authentication.

Sec. 4. The coupons of said bonds shall be receivable by the Tax Collector and Treasurer of the City of Fayetteville in payment of all taxes and dues to said city. Coupons receivable for taxes.

Sec. 5. All administrators, executors, guardians and all others acting in a fiduciary capacity are hereby authorized and empowered to invest the funds entrusted to them in said bonds. Trust funds may be invested in bonds.

Sec. 6. That from the proceeds of said bonds, when sold, it shall be the duty of the Board of Aldermen of the City of Fayetteville to pay over to the public works commission of said city the sum of ten thousand dollars, to be applied by said public works commission to the extension, enlargement and improvement of the sewerage system of said city of Fayetteville. Appropriation for extension of sewerage.

Sec. 7. With the remainder of the proceeds of said bonds, it shall be the duty of the board of aldermen, as speedily as is practicable, to take the necessary steps for paving with such material as in the discretion of the board of aldermen may be deemed best, and to pave the streets of said city, and said board of aldermen, without any petition from property owners as herein provided for for other streets of the said city, shall cause to be paved with such material as it shall deem best, from Liberty Point on Person Street to the Atlantic Coast Line depot on Hay Street, and from the Atlantic Coast Line Railroad on Russell Street to Eccles' Bridge on Green Street, one-third of the cost of said paving of said streets above named to be taxed against property owners owning lots on either side of said street, according to the frontage of said lots, and to be a direct charge in favor of the city against such lots, and the owners of such lots shall pay to said city, in ten annual installments, with interest at the rate of five per cent. per annum added, the amount of money so advanced by said city of Fayetteville, said annual installments, with said interest added, to be placed on the tax books as taxes against said property, and to be collected as other taxes are under the law. Upon the collection by the tax collector of said installments, he shall pay the same to the city treasurer, who shall keep a separate account of the same, and the board of aldermen may use the said installment fund either for the purpose of extending the paving of the streets of the city as herein provided, or for the purpose of paying off any part of the bonded indebtedness of the city, and for no other purpose. Appropriation for street paving. Streets to be paved. Proportion taxed to property owners. Charge payable in installments. To be collected as taxes. Separate accounts. Use of installments.

Assessment to have force of judgment.

Sec. 8. Said one-third of the cost of said paving is hereby declared a benefit to the property affected hereby, and is assessed against the same as such benefit, and upon the amount to be assessed against the property affected being determined by the board of aldermen or its agents, such assessment for benefits shall be in effect a judgment and execution against the properties so assessed: *Provided, however*, that upon the payment during any tax year of one-tenth of the amount of such assessment and interest on the assessment at the rate of five per cent. per annum, up to the time of payment, the person whose property is so assessed shall have until the next tax year within which to pay another one-tenth, with interest, and so on until the entire assessment is paid, the time not to exceed ten years from the expiration of the current tax year after the assessment is made; but if one-tenth of the assessment, with the interest due on the assessment, shall not be paid during any year, then the Tax Collector of the City of Fayetteville shall advertise the property assessed at the time of making his sale for taxes, and shall make title as provided by law for tax sales: *Provided further*, that property owners affected thereby shall have the right to appeal, after notice of the assessment, directly to the next civil term of the Superior Court of Cumberland County from the amount assessed by the board of aldermen or its duly authorized agents against any property, for the purpose of ascertaining whether or not the property affected by said assessment has been assessed for more than one-third of the actual cost of such paving, and should it be determined by the court and jury that such assessment is more than the actual cost of one-third of such paving, then the city of Fayetteville shall pay the costs of the appeal, otherwise the property owner shall pay the costs of such appeal.

Proviso: time of payment.

Sale of property for non-payment of installments.

Proviso: right of appeal.

Petition for street pavements.

Sec. 9. When a petition is made by the owner or owners of a greater portion of the frontage on both sides of any block in said city for street pavements, it shall be the duty of said board of aldermen, if the funds be available for that purpose, to have the streets paved in accordance with such petition, one-third of the cost of paving to be taxed against the property owners on either side, and one-third paid by the city, as provided in sections seven (7) and eight (8) of this act, and the debt to be liquidated in ten annual payments, interest included, at the rate of five per cent. per annum, to be paid by the property owners as provided by sections seven (7) and eight (8) of this act, for the territory specified therein, and with the same right of appeal as specified in section eight (8) of this act.

Proportion taxed against property.

Act to be submitted to election.

Sec. 10. An election shall be held at the City Hall in the city of Fayetteville, on the second Tuesday in June, one thousand nine hundred and seven, or at any time within two years thereafter to be designated by a majority vote of the board of aldermen, for the purpose of ratifying or disapproving by a majority of the

qualified voters of the said city, as its boundaries shall then exist, the issuance of the bonds herein provided for. It shall be the duty of the mayor of said city to cause four publications of this act in full, to be made in some newspaper published in said city, the last publication to be made not less than five days immediately preceding said election. Act to be published.

Sec. 11. A new registration shall be made of all voters of the said city of Fayetteville, as its boundaries shall then exist, for the election herein provided for. The registration books for said election shall be opened on the ninth day of May, one thousand nine hundred and seven, or, if the election is not held in June, one thousand nine hundred and seven, at such time thereafter as the board of aldermen shall designate, and shall remain open for twenty work days. The board of aldermen shall appoint a registrar of voters for said city of Fayetteville, as its boundaries shall then exist, who shall register such citizens of said city as may then be otherwise qualified and desire to vote in said election, and it shall cause publication and notice to be given as provided by section seven (7) of chapter one hundred and fifty-three (153) of the Private Laws of one thousand eight hundred and ninety-three (1893). New registration. Registration. Registrar. Notice of registration.

Sec. 12. The duties of the registrar so to be appointed, the registration and oath of election shall be as provided by sections eight (8), nine (9) and ten (10) of chapter one hundred and fifty-three (153) of the Private Laws of one thousand eight hundred and ninety-three (1893). Law governing registration.

Sec. 13. The board of aldermen of said city shall appoint two judges of election to hold said election, and the duties, powers and qualifications of said judges of election shall be the same as are provided by said chapter one hundred and fifty-three (153) of the Private Laws of one thousand eight hundred and ninety-three (1893), and any amendments thereof, and all matters and questions as to the election herein provided for shall be determined according to the provisions of chapter one hundred and fifty [three] (153) of the Private Laws of one thousand eight hundred and ninety-three (1893), sections seven (7) to fourteen (14) inclusive of both, and any amendments thereof. Judges of election. Duties of judges.

Sec. 14. The ballots to be used at the election herein provided for shall be on white paper, and without device, and shall contain the words "For Bonds" or the words "Against Bonds." The bonds herein provided for shall be issued only in case a majority of the qualified voters of the city shall vote "For Bonds." Ballots.

Sec. 15. All laws or parts of laws in conflict with this act are hereby repealed.

Sec. 16. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 435.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RUTHERFORDTON, IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Sidewalks.

Section 1. That chapter one hundred and forty-six of the Private Laws of one thousand eight hundred and eighty-seven be and the same is hereby amended as follows: That the words "or sidewalk" shall be inserted after the word "street" wherever the said word "street" may appear in section seven, and the words "or sidewalks" shall be inserted after the word "streets" wherever the said word "streets" may appear in said section.

Sec. 2. That section seventeen of chapter one hundred and forty-six of the Private Laws of one thousand eight hundred and eighty-seven be and the same is hereby stricken out, and the following inserted in lieu thereof: "That the said town shall embrace the territory within the following described lines and boundaries, and the said lines and boundaries shall be the corporate limits of the said town of Rutherfordton, viz.: Beginning at a stake in C. M. Lynch's field, two hundred and four poles south twelve and one-half degrees west from the court-house door at Rutherfordton, and runs thence north sixty-one and one-half degrees east two hundred and sixty poles to a stone on the top of the ridge; thence south seventy-four and one-half degrees east one hundred and thirty-two poles to the center of the Seaboard Air Line railroad track at the old Dickerson house; thence north fifteen and one-half degrees east one hundred and six poles to a stake in the old field; thence north seven and one-half degrees west to a point opposite where Green Street crosses the Southern Railway track or road-bed, in the new line of the town of Hampton; thence with the new line of the town of Hampton south or southwest to a stake on the northwest side of Green Street, one hundred and fifty yards from the said Southern Railway track or road-bed; thence with the new line or boundary of the town of Hampton to the northwest side of said boundary at a point a little southwest of Carpenter, Taylor & Company's manufacturing plant, where the said Hampton boundary line is intersected by the survey made by J. H. Wood, surveyor, on January ninth, one thousand nine hundred and seven; thence south fifty-three degrees west with said survey to pointers on the east side of the hill, about the middle of Dr. T. B. Twitty's eleven-acre tract of land on the west side of the Hickory Nut Road; thence south fourteen degrees west, running a little east of New Hope Avenue, one hundred and ninety-six poles to a stake in the Old Cooper Gap Road, in the middle of said avenue; thence north

Corporate limits.

eighty degrees west with Old Cooper Gap Road, twenty poles to a small pine; thence south eighteen and one-half degrees west, passing a little east of Jim Snyder's house, one hundred and eighty poles to a stake in the old field in Sam. Allen's land; thence south seventy-three degrees east, one hundred and ninety poles to the beginning.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 436.

AN ACT TO INCORPORATE THE TOWN OF STOVALL, IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Stovall, in Granville County, be and the same is hereby incorporated by the name and style of the Town of Stovall, and as such it shall have all the rights and privileges provided in this act and as contained in chapter seventy-three of the Revisal of one thousand nine hundred and five. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits and boundaries of said town shall be as follows: Beginning at the intersection of the Southern Railway on the public road in said town and extending in every direction a distance of one thousand yards. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor, five commissioners and a town constable or police officer, who shall be elected in the manner hereinafter provided: *Provided*, that the following shall be the officers of said town until the election to be held in May, one thousand nine hundred and eight, viz.: Mayor, D. A. Burwell; Commissioners, J. T. Spicer, N. N. Cupp, Charles L. Lewis, R. C. Puckett and C. C. Heggie; Constable, Edward Earl. Town officers. First officers named.

Sec. 4. That there shall be an election held for the officers mentioned in this act on the first Monday in May, one thousand nine hundred and eight, and in each year thereafter on said date, and the said elections shall be held under the same rules and regulations which govern the election of members of the General Assembly. Town elections.

Sec. 5. That the said commissioners shall have the power and authority to make all such by-laws, rules, regulations and ordinances as may be necessary for the government and control of Powers of commissioners.

Tax rate.

the said town. The said commissioners shall have the right to levy and collect, as State and county taxes are collected, a tax on all subjects of taxation not exceeding twenty-five (25) cents on the one hundred dollars' ($100) worth of property and fifty (50) cents on the poll, and they may impose such fines for the violation of the ordinances of said town, not exceeding fifty dollars ($50), as they may deem necessary.

Fines for violation of ordinances.

Appropriation of taxes.

Sec. 6. That the said commissioners shall have the power and authority to apply the taxes collected under the provisions of this act in the improvement of the streets and sidewalks of said town, and to the payment of the necessary expenses of the government thereof.

Road duty.

Sec. 7. That all persons living within the corporate limits of said town who are subject to road duty shall be required to work the streets of said town for the same number of days as required by the road law of Granville County, but such persons shall not be required to work the public roads outside of the corporate limits of said town.

Powers as to streets.

Sec. 8. The said board of commissioners shall have the power and authority to lay out and open all such sidewalks and streets in said town as it may deem necessary, and in the event that it cannot agree with the owner or owners of the land needed for such sidewalks and streets, then the value of such lands shall be ascertained by a special proceeding before the Clerk of the Superior Court of Granville County, and said clerk shall appoint three (3) disinterested and competent freeholders to assess the damages for the opening of such sidewalks and streets: *Provided*, that the town or the land-owner shall have the right of appeal in all such cases to the Superior Court of Granville County.

Power to condemn land.

Prohibition.

Sec. 9. That the manufacture and sale of spirituous, vinous, malt or other intoxicating liquors are forever prohibited within the corporate limits of said town.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 437.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF AYDEN, IN PITT COUNTY, AND TO EXTEND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That that territory in Contentnea Township, Pitt County, bounded by and included within the following lines, to-wit: Beginning on the east side of the right-of-way of the Scotland Neck and Kinston Branch of the Atlantic Coast Line Railroad at J. J. Harrington's corner, and running from thence with said Harrington's line north 57 degrees east 47 poles and 3 links; thence north 81½ degrees east about 166 feet to the cemetery line extended; thence a southerly course with the cemetery line to the southwest corner of said cemetery lot extended; thence north 80¾ degrees east 381 feet with the cemetery line to the southeast corner of said cemetery lot extended to W. M. Forrest's line; thence a westerly course with said Forrest's line to the old cemetery corner; thence north 21¾ degrees east 54 poles to Third Street; thence down said street south 84¼ degrees east 78 poles; thence north 10½ degrees west 14 poles; thence north 36 degrees west 12⅔ poles to Second Street; thence north 5½ degrees east 52 poles; thence north 83½ degrees west 240 poles; thence south 20½ degrees west 76 poles; thence south 83 degrees east 24 poles to J. Griffin's line; thence south 12¼ degrees east 38 poles to Henry Venter's corner; thence south 23½ degrees east 100½ poles to Lee Street; thence north 57 degrees east 34 poles to the beginning; and the inhabitants residing therein shall be and remain a body politic and corporate under the name and style of The Town of Ayden, and under such name and style may adopt a corporate seal, sue and be sued, plead and be impleaded, acquire by purchase, devise, bequest or other conveyance such real and personal property anywhere in Contentnea Township as may be requisite and necessary for the proper government of the town; hold, invest, improve, use, govern, control and protect and, under the hand of the mayor and a majority of the commissioners, attested by the corporate seal, may sell or dispose of the same; and have all the rights and privileges necessary, belonging or usually pertaining to municipal corporations.

Corporate limits.

Corporation continued.

Corporate name.

Corporate powers.

Sec. 2. That on the first Monday in May, one thousand nine hundred and seven, and on the same Monday annually thereafter, there shall be elected at large of and by the qualified voters of said town, a mayor and five commissioners, which election shall be held and conducted in the manner prescribed by law for municipal elections. Said officers shall qualify within five days

Town elections.

Officers to qualify.

Forfeit for failure to qualify.

after their election, and if any person so elected as mayor or commissioner shall refuse to qualify and act, he shall forfeit and pay the sum of twenty-five dollars, one-half to the person who shall sue for the same, and the other half to the school fund of Pitt County.

Commissioners to fill vacancies.

Sec. 3. That if any person who shall be elected mayor shall fail or refuse to qualify, or if there be a vacancy in the office from any cause, the board of commissioners shall elect some qualified voter of the town to fill such vacancy; or if the mayor shall be temporarily absent from the town, or be unable to discharge the duties of his office from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tempore;* and likewise in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some qualified voter of the town to fill the vacancy.

Form of oath.

Sec. 4. That the mayor, commissioners and every other officer of the town, before entering upon the duties of his office, shall take, subscribe and have entered upon the minutes of the commissioners the following oath of office: "I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability. So help me, God." "Subscribed and sworn to before me, this .... day of ....., 19...."

Jurisdiction of mayor as peace officer.

Sec. 5. That the mayor, as a peace officer, shall within the corporate limits of the town have all the powers and authority of a justice of the peace, and as a judicial officer all the powers, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the town, and to impose penalties upon any adjudged violation thereof; to fine and imprison either in the guard-house of the town or the common jail of Pitt County, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town. He shall keep a correct minute of all precepts issued by him and of all judicial proceedings. Judgments rendered by him shall have all the force, virtue and validity as if rendered by a justice of the peace. He shall preside at all meetings of the commissioners, but shall not be entitled to vote except in case of a tie.

Force of judgments.

Mayor to preside at meetings of commissioners.

Fees of mayor.

Sec. 6. That the mayor shall be entitled to the same fees as a justice of the peace in like cases, and such additional compensation as the board of commissioners may see fit to allow.

Commissioners to form one board. Quorum.

When to convene.

Sec. 7. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners. Within five days after their

election they shall convene for the transaction of business, and shall fix stated days for meetings during the year, which shall be as often as once a month. Special meetings may be held on the call of the mayor or a majority of the commissioners, and of every such meeting those not joining in the call shall be notified in writing. At their first meeting they shall elect a treasurer and a clerk and tax collector, or they may combine the office of clerk and tax collector if they see fit. Each of said officers shall be a qualified elector of the town, and shall serve for one year, or until his successor is qualified, unless he is sooner removed by the board of commissioners for cause, of which it shall be the judge.

Meetings.

Special meetings.

Officers to be elected.

Qualification and term.

Sec. 8. That the board of commissioners for said town is hereby fully authorized and empowered to do and to perform the following acts:

Powers of commissioners.

(1) To make and publish all needful ordinances, rules and regulations for the peace, good order and government of the town.

Town ordinances.

(2) To suppress and remove nuisances, and to make all necessary rules and regulations to preserve the health of the inhabitants of the town from contagious, infectious or other diseases.

Nuisances.

(3) To lay out and open new streets and sidewalks and to provide for the proper drainage of the town.

Streets and sidewalks.

(4) To extend, widen, straighten, grade or otherwise improve any street or sidewalk now existing in said town, and to this end it shall have power and authority to remove or cause to be removed any and all obstructions, no matter whether such obstructions be of a temporary or permanent kind, or caused by porches, sheds or buildings, or parts of buildings erected on, upon or over any of said streets or sidewalks.

Improvement of streets.

(5) It may require property owners to construct and keep in repair such sidewalks adjacent to their property in such manner as the board may direct, and should any owner of such property refuse or fail to so construct or repair such sidewalks after twenty days' notice, the board may have the same constructed or repaired, and the cost thereof shall be added to the taxes on said property on the tax list of the next succeeding year and collected as taxes are collected upon property listed for taxation.

Property owners to construct and repair sidewalks.

(6) To contract for, purchase, keep in repair and provide for the use of all such engines, hose or other apparatus or appliances for the prevention and extinguishment of fires as the board may deem needful and proper.

Fire apparatus.

(7) To adopt such plans and methods, and to make such contracts, or take such action as it may deem best for lighting the streets and sidewalks, or to provide a water supply for the town.

Lights and water.

(8) To prescribe the places and regulate the manner in which the business of marketing shall be carried on in the town.

Markets.

Fireworks. (9) To prohibit, regulate or contract the sale or use of firecrackers, Roman candles, bombs, torpedoes or other explosives.

Explosives. (10) To regulate the sale and keeping of powder or other explosives within the corporate limits of the town.

Speed on streets. (11) To regulate the speed of driving or riding on the streets and other public places of the town.

Animals running at large. (12) To prohibit and prevent dogs, horses, hogs and other animals from running at large in the town.

Guard-house. (13) To build or establish a guard-house in which to secure or confine offenders against the town ordinances.

Town buildings. (14) To erect and maintain such buildings as may be necessary and proper for the use of the town, and prevent the erection

Fire limits. and establishment of wooden buildings in any part of the town where they may increase the danger by fire.

Graveyards. (15) To provide graveyards in or near the town and regulate the same.

Policemen. (16) To elect such policemen, guards or other officers as it may deem necessary, fix their compensation and prescribe their duties, and such officers shall be subject to removal at the pleasure of the board.

To employ labor and purchase material. (17) To employ such labor, and to purchase such machinery and materials, and make such contracts and to do such things as may be necessary to put and keep the streets, sidewalks, public wells, pumps, tanks, reservoirs and other town property in proper condition.

Other powers. (18) To execute and employ all other powers and functions as are now or may be conferred by the general laws of the State upon boards of commissioners, councilmen or aldermen of cities and towns, which may not be herein specifically mentioned.

Procedure for condemnation of property. Sec. 9. That when it shall become necessary to condemn real property for street, drainage or other public uses, the board of commissioners shall designate and describe the property to be condemned, and if the board and the owner or owners of said property cannot agree upon the damages, then the board shall appoint one arbitrator, the owner or owners of the property one, and a third shall be named by the Clerk of the Superior Court of Pitt County. But if any of the owners of the property are minors and without a general guardian, then the board shall file a petition before the Clerk of the Superior Court of said county, setting out the facts, and the said clerk shall appoint some suitable person to represent such infant or infants, and such guardian *ad litem* shall appoint the arbitrator to represent such minors, and report the name of the person so selected to said clerk, who shall make a record of these proceedings, which shall, when approved by said clerk, be as conclusive to said minors so made of record as if they were of full age. The three arbitrators, chosen as provided for in this

section, shall take an oath before entering upon their duties to do even and exact justice between the town and the owners of the property to be condemned, to the best of their ability. The board shall deliver to the arbitrators a description of the property sought to be condemned, and thereupon the arbitrators shall view the property, hear the testimony, if any may be offered, estimate the damages, if any, after deducting the benefits that in their opinion may accrue to said property by reason of the proposed work, and then make and sign their award, which shall be filed with the board, and copy to be delivered by them to the owners. The award, when signed by a majority of the arbitrators, shall be final and conclusive as to all parties in case there is no appeal. If the town or the owners of the property be dissatisfied with the award, either may appeal to the Superior Court of Pitt County, in term-time, by giving ten days' notice of such appeal to the opposite party, and giving a bond to be approved by the Clerk of the Superior Court to secure the cost of such appeal. The notice shall state the grounds of appeal, and to be effective must be served within ten days after the award is filed with the board and a copy delivered to the owner. If the appeal be on a question of law, the judge shall render his decision thereon; if it be on the amount of the damages, then that question shall be tried by a jury. Upon the payment to the owner of the amount found by the arbitrators, if there be no appeal, the board of commissioners may proceed with the contemplated improvements for the public convenience in the use of the property so condemned.

Appeal.

Notice of appeal.

Sec. 10. That the board of commissioners shall have authority to put and keep at work on the streets of the town any person or persons who may fail to pay any tax, fine, cost, penalty or forfeiture which may have been imposed on such person or persons by the mayor. And the said board shall have the authority to make such rules and regulations for the control and management of such persons until said fines, penalties and costs are paid under such rates for labor as they may fix.

Certain persons worked on streets.

Sec. 11. That no ordinance of the board of commissioners shall be in force until the same has been advertised at three public places in the town for a period of five days.

Ordinances to be advertised.

Sec. 12. That in order to raise a fund for the expenses incident to the proper government of the town, the board of commissioners may annually levy and collect the following taxes, namely:

Taxing powers.

(1) On real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the General Assembly *ad valorem*, except incomes, a tax not exceeding fifty cents on every hundred dollars' value.

Property tax.

Poll tax. (2) On all taxable polls, not exceeding one dollar and fifty cents, who may be residents of the town on the first day of June.

Itinerant merchants and peddlers. (3) Upon all itinerant merchants or peddlers offering to vend in the town, a license tax not exceeding twenty dollars a year: *Provided*, that not more than one person shall vend under a single license.

Games. (4) Upon every billiard table, bagatelle table, pool table, bowling alley, or alleys of like kind, kept for hire, a license tax not exceeding twenty dollars.

Circus riders. (5) Upon every company of circus riders or performers, by whatever name called, who shall exhibit within the town, a license tax not to exceed fifty dollars for each day or part of a

Side shows. day; upon every side show connected therewith, a license tax not exceeding twenty dollars.

Theatrical companies and amusements. (6) Upon every theatrical company, sleight-of-hand performance, rope walking, tumbling, menagerie or merry-go-round, a tax not exceeding ten dollars for each day.

Other shows and concerts. (7) Upon every show or exhibition of any kind, or concert for reward, a tax not exceeding ten dollars for each day.

Dogs. (8) Upon every dog, a tax not to exceed two dollars.

Other occupations. (9) Upon every merchant, trader of whatever kind or character, bill poster, street huckster, or any other occupation or business not exempt by the laws of the State, a tax not to exceed ten dollars.

Breeding animals. (10) Upon every stud-horse, jackass or bull used for the purpose of breeding within the corporate limits of the town, a license tax not exceeding twenty-five dollars a year.

Dealers in second-hand clothing. (11) On dealers in second-hand clothing, a tax not exceeding one hundred dollars.

Barrooms. (12) On every barroom or place where spirituous, vinous or malt liquors are sold, an annual tax not less than one thousand dollars, nor more than two thousand dollars: *Provided, however*, that this subsection shall not apply to the dispensary.

Other subjects of taxation. (13) Upon any and all other subjects taxed by the laws of the State, unless specifically exempted from municipal taxation, such tax as it may see fit, not exceeding the amount of the State tax.

Taxes to be listed. Sec. 13. All taxes of said town shall be listed, levied, assessed and collected, except as in this chapter otherwise provided, in the same manner, under the same rules and regulations, and subject to the same penalties as are provided by law for the listing, levying, assessing and collecting of State and county taxes.

Appointment of list-takers. Sec. 14. That at the regular meeting of the board of commissioners in the month of April, it shall appoint some fit and suitable person to list the taxable property of the town for the

Notice of listing. ensuing year, and such list taker shall, thirty days before the

first day of June, advertise notice to the tax-payers that he will on the first day of June proceed to list such taxes.

Duties of town clerk.

Sec. 15. That the town clerk shall keep a correct record of all the proceedings of the board of commissioners and perform such other duties as may be prescribed and required by the commissioners.

Duties of tax collector.

Sec. 16. That the tax collector shall collect all taxes that may be levied by the commissioners and pay the same over to the treasurer, and shall make such reports and settlements as may be required by the commissioners: *Provided, however*, that before entering upon the discharge of his duties, he shall execute and deliver to the commissioners a good and sufficient bond, payable to the State of North Carolina, in a sum double the amount of taxes levied for the preceding year, which bond is to be approved by the commissioners.

Proviso: tax collector to give bond.

Duties of treasurer.

Sec. 17. That the treasurer shall receive all moneys due the town and pay out only upon the order of the board of commissioners, signed by the mayor and countersigned by the clerk. Before entering upon the discharge of his duties he shall execute and deliver to the commissioners a good and sufficient bond, payable to the State of North Carolina, in an amount to be fixed and approved by the commissioners. At the end of the fiscal year, he shall make to the board a full report showing the financial condition of the town, and from time to time make such other reports as the board may require.

Treasurer to give bond.

Report.

Duties of policemen.

Sec. 18. That it shall be the duty of the policemen to see that the laws, ordinances and orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose they shall have the power and authority vested in sheriffs and constables; they shall have the same fees on all process and precepts executed and returned by them as are allowed by law to sheriffs on like process and precepts, and also such other compensation as the commissioners may allow. They shall, at the end of every month, pay to the town treasurer all fines, penalties and forfeitures collected by them and report the same to the commissioners under oath. They may execute all warrants and other process, delivered to them by the mayor, anywhere in Pitt County. Before entering upon the discharge of their duties, the commissioners may require them to enter into bond for the faithful performance of their duties in such sum as the commissioners may think proper.

Power and authority of police.

Fees.

Further duties.

Bond of policemen.

Fence around town.

Sec. 19. That the board of commissioners shall have power and authority to erect and maintain a fence around said town, with gates across the streets and roads leading thereto and therefrom, and enact such ordinances, rules and regulations concerning the same, and impose such fines and penalties as it may

deem necessary to protect them from damage and interference, not inconsistent with the laws of the State.

Sec. 20. That from and after the passage and ratification of this act, the same shall be and remain the charter of the town of Ayden; and all laws or parts of laws heretofore enacted in relation thereto and not heretofore repealed, which are inconsistent with this act, are hereby repealed.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 438.

AN ACT TO INCORPORATE THE GIBSONVILLE GRADED SCHOOL DISTRICT, ENLARGE ITS BOUNDARIES AND PROVIDE FOR ITS MANAGEMENT.

The General Assembly of North Carolina do enact:

Boundaries of district.

Section 1. That the boundaries of the special tax district known as the Gibsonville Special Tax District, in Guilford County, be enlarged so as to include the territory in Alamance County now included in the corporate limits of said town.

Election to be ordered.

Sec. 2. That after thirty days' notice at three public places in the added territory, an election shall be ordered by the Town Commissioners of the Town of Gibsonville at such point as they shall designate, under such rules and regulations for holding the election and making the returns as they shall adopt. That at such an election the question of levying the same taxes on all property and polls in such new territory as are now levied for school purposes on all property and polls in the Gibsonville Special Tax District shall be submitted to the qualified voters of said new territory, and at such election those favoring the levying of such tax shall vote a ticket on which shall be written or printed "For Special Tax," and those opposed shall vote a ticket on which shall be written or printed "Against Special Tax." In case a majority of the qualified voters in said territory shall vote "For Special Tax," said new territory shall be added to said special tax district, and the same tax on all property and polls therein shall be annually levied and collected for school purposes, at the same time and in the same manner as the special tax for school purposes is now levied and collected in said special tax district.

Question to be submitted.

Tickets.

Effect of election.

District incorporated.

Sec. 3. That all the territory now included in the Gibsonville Special Tax District, and all the territory that may be added to said district in accordance with the provisions of the preceding sections of this act, is hereby incorporated into a school district known as the Gibsonville Graded School District: *Provided*, that if the new territory shall not be added as a result of the election

Corporate name.

provided for in section two of this bill, then the present territory covering and including the present Gibsonville Special Tax District shall be incorporated into a school district to be known as the Gibsonville Graded School District.

Appointment of trustees.

Sec. 4. That the County Board of Education of Guilford County shall, at its first regular meeting after the ratification of this act, and biennially thereafter, appoint a board of five trustees for the said Gibsonville Graded School District, whose term of office shall be two years from the date of its appointment. Vacancies occurring in said board before the expiration of the terms of office of any of the trustees shall be filled for the unexpired term by the County Board of Education of Guilford County.

Term of office.

Vacancies.

Organization of trustees. Powers.

Sec. 5. That the trustees shall organize by electing a chairman, a secretary and a treasurer. They shall have the control and management of all the public schools in said district, and shall have power to elect a superintendent or principal and teachers of said schools, and to fix salaries of the same. All money apportioned to said district from the State and county school fund, and all money collected from the special tax levied on property and polls in said district shall be turned over to the treasurer of the said board of trustees, who shall be required to give a good and sufficient bond approved by said board of trustees in such sum as it shall fix. No money shall be paid out by said treasurer except upon warrant signed by the chairman and secretary of said board of trustees.

School money to be turned over to treasurer.

Treasurer to give bond.

Warrants on treasurer.

Trustees a body corporate. Corporate name.

Sec. 6. That said board of trustees shall be a body corporate under the name and style of the Board of Trustees of the Gibsonville Graded School, and as such shall have power to purchase and hold real estate and to sue and be sued, and to exercise other powers of bodies corporate.

Corporate powers.

Sec. 7. That this act shall be in full force and effect from the date of its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 439.

AN ACT TO INCORPORATE THE SOUTHERN BAPTIST ASSEMBLY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That J. H. Tucker, B. W. Spilman, H. W. Battle, H. C. Moore and N. B. Broughton, their associates and successors are hereby declared to be a party politic and corporate under the name of The Southern Baptist Assembly, with all the powers granted to corporations by section one thousand one hundred and

Corporate name.

Corporate powers.

twenty-eight of the Revisal of one thousand nine hundred and five of North Carolina.

Purposes of corporation.

Sec. 2. The purpose of said corporation is to establish and maintain in the mountains of Western North Carolina a municipality of Baptist assemblies, conventions, conferences, public worship, missionary and school work, orphan homes, manual and trades training and other operations auxiliary and incidental thereto; also a religious resort, with permanent and temporary dwellings, for health, rest, recreation, Christian work and fellowship.

Water-works and sewerage.

Electric light plants.

Other business authorized.

Sec. 3. Said corporation shall have power to construct, maintain and control water-works and sewerage, with the right and power to order and require connections thereto by residents; to construct electric light plant for manufacturing and distributing electric light and power for corporate use or sale; to build and operate mills, stores, manufacturing plants, railways, to be operated by horse, steam or electricity; to build and maintain bridges, drives, trails, highways, streets, sidewalks, parks, lakes and fountains; and to operate and control launches or boats propelled by any power; to establish and operate printing presses; to construct, maintain and operate telephones, and to do other things to promote the health, comfort, pleasure, well-being and convenience of the community; to issue bonds and other evidences of indebtedness and to secure the same by mortgage or deed of trust.

Business to be licensed by corporation.

Privilege tax and penalty.

Sec. 4. No person shall open or operate a store, sell goods, wares or merchandise, keep a huckster shop or butcher shop or any place where vegetables or fresh meat are sold; or shall operate a sales, dray or livery stable; keep and manage hotels and boarding houses or carry on any kind of business within the limits of the corporation without a license from said corporation first had and obtained. The privilege tax and penalty for violation shall be such as may be prescribed by the ordinances of the corporation.

Power to establish and manage schools.

Sec. 5. The corporation shall have power to establish schools of any grade; to appoint superintendents, principals and teachers thereof, and to make rules and regulations governing the same.

Cemetery.

Sec. 6. The corporation may establish a cemetery apart from the assembly grounds on land to be acquired, and govern and control the same by rules and regulations to be prescribed by the ordinances of the corporation.

Taxes for municipal purposes.

Sec. 7. The board of directors may levy and cause to be collected taxes for municipal purposes not exceeding three dollars on the hundred dollars and two dollars on the poll on all property, franchises and persons within the corporation, and may annually levy a privilege tax on all trades, professions and business to be carried on or enjoyed within the corporation.

Ordinances.

Sec. 8. The board of directors shall have power to enact ordinances for the government of the municipality not inconsistent with the laws of the State, and may enforce them by suitable penalties.

Prohibition.

Sec. 9. The manufacture, sale, or keeping with intent to sell, intoxicating liquors, including ale, beer, wine and cider on any land belonging to the corporation or within three miles thereof is forever prohibited: *Provided*, the same shall not be located within three miles of a town or city wherein the sale of liquor is now licensed. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned or both in the discretion of the court.

Proviso: location.

Misdemeanor.

Punishment.

Property exempt from taxation.

Sec. 10. The property of the corporation shall be exempt from taxation: *Provided*, this section shall not be so construed as to exempt the poll tax of any resident or the property owned by a resident or lot holder in said corporation and taxable by law.

Proviso: construction.

Sale of lots authorized.

Sec. 11. For the purpose of government the corporation may sell five hundred lots in said corporation at one hundred dollars each, as a fund for purchasing land, laying out grounds, building hotels and public buildings and such other things as are deemed necessary to the development of its property for the purposes of the corporation. In order to have representation and government the corporation may issue a share of stock to each lot owner in the first section of five hundred lots. Such stockholders shall constitute the membership of the corporation: *Provided*, that no one but a member of a Missionary Baptist Church in good standing shall be a member of the corporation or the board of directors, or have a vote or the right to take any part in the control and management of the corporation. Other lots and sections of lots may be laid out and sold from time to time, but such sales of additional lots shall not carry the right to stock in the corporation.

Representation and government.

Membership.

Further sale of lots.

Corporate powers exercised by directors.

Board of directors.

Term of directors.

Vacancies.

First directors.

Sec. 12. The corporate powers can be exercised only by the board of directors and in pursuance of resolutions adopted by it. Said board shall consist of not more than twenty-one nor less than nine directors, to be elected by the stockholders at their annual meetings, one-third of whom shall hold office for one year, one-third for two years, and the balance for three years. Upon failure of the stockholders to elect the directors as herein provided, then the board of directors may elect and fill vacancies in the board. Until the first annual meeting of the stockholders, the persons named in this act and such other persons as they may elect shall constitute the board of directors with power to act in the premises.

Meetings of stockholders.

Notice of meetings.

Sec. 13. There shall be an annual meeting of the stockholders on the assembly grounds during the sessions of the summer assembly, at a date to be fixed by the president of the board of directors at least ten days before the meeting, notice of which shall be

posted on the assembly bulletins and mailed, with requests to publish, to one or more of the denominational papers published in the States wherein are stockholders.

Stockholders.

Sec. 14. Every stockholder being a member of a Baptist church in good standing shall be entitled to one vote in the annual meetings for each share of stock owned by him. A quorum shall consist of not less than one-half the stockholders to be present in person or by written proxy.

Quorum.

Directors to act on failure of stockholders.

Sec. 15. Upon failure of the stockholders to meet in annual session, the board of directors may fill all vacancies caused by death, removal, resignation or any other cause, and shall have the right to exercise all the powers granted in this charter. The board of directors may meet at such times and places as are fixed by the by-laws. Upon the written request of the president or two members, a called meeting of the board may be had at any time, by the secretary, by notice of the time, place and object of the meeting being mailed to the last known address of each member of the board at least ten days before the date of the meeting.

Meetings of directors.

Call meetings.

Ordinances.

Sec. 16. The board of directors shall have power and authority to enact ordinances for the regulation, control and government of the corporation, to preserve order, to make sanitary laws for the protection of health and to enforce the same, and other ordinances for the comfort and well-being of the community. Said ordinances may be amended or repealed at any time by a majority of the votes of the directors.

Votes by mail.

Sec. 17. Whenever it becomes necessary between meetings of the directors to obtain their votes on any question pertaining to the interests of the corporation, such may be taken by written ballot mailed to each member of the board of directors at his last known address. It shall require a two-thirds majority to carry a question by mail. When obtained, the same shall be entered on the secretary's record of the directors' meeting and shall be as binding as if passed in a regular meeting of the board.

Executive committee.

Sec. 18. The board of directors may appoint from its members an executive committee consisting of three members, and may delegate to the executive committee any and all powers and rights not reserved to the stockholders, which delegated rights and powers must be specifically prescribed in the by-laws of the corporation.

Transfer of stock.

Sec. 19. The membership of any stockholder shall terminate by transfer of his or her stock, and the purchaser thereof shall, *ipso facto*, be a stockholder in the corporation, with all the rights of original stockholders, upon a transfer of such stock upon the books of the corporation, but such purchaser shall be a member of a Baptist Church in good standing, and if not such member, the purchaser of such stock shall in nowise have any right to representation, voice or vote in the corporation or in the meetings thereof.

Sec. 20. The corporate limits of the corporation shall include the boundary of land hereafter owned by the Southern Baptist Assembly, and all lands owned or leased by it to any person. Corporate limits.

Sec. 21. The members of the corporation shall not be personally liable for the debts, contracts, obligations or torts of the corporation. Members not personally liable.

Sec. 22. The board of directors may appoint a mayor at each annual meeting of the board, who shall be constituted an inferior court, and shall be a magistrate or conservator of the peace within the limits of the corporation, shall have the jurisdiction of a justice of the peace in all criminal matters arising under the law of the State or under the ordinances of the corporation. The rules of law regulating proceedings before a justice of the peace shall be applicable to proceedings before such mayor, and he shall be entitled to the same fees as are allowed to the justice of the peace in all cases arising out of the State laws or under the ordinances of the corporation. Directors may appoint mayor. Inferior court. Jurisdiction. Proceedings before mayor.

Sec. 23. As such court the mayor shall have authority as mayor to hear and determine all cases that may arise upon the ordinances of the corporation; to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the laws, rules and ordinances that may be made and provided by the board of directors of said corporation for the government and regulation thereof, but in all cases any person dissatisfied with the judgment of the mayor may appeal to the next criminal term of the Superior Court, as in case of judgment rendered by a justice of the peace. If the offense charged exceeds the jurisdiction of a justice of the peace, the mayor may bind the accused under proper bond, payable to the State of North Carolina, to the next term of the Buncombe County Superior Court. In all cases of appeal from the mayor's court to the Superior Court, when the offense charged is the violation of a corporate ordinance, the mayor shall send with the papers in the case a true copy of the ordinance alleged to have been violated, and shall certify under his hand and seal that said ordinance was in force at the time of the alleged violation of the same. Powers and authority of mayor. Appeals. Accused bound over. Copy of ordinance in cases on appeal.

Sec. 24. Before entering upon his duties, the mayor, before some person authorized by law to administer oaths, shall take and subscribe the oath to the effect that he will faithfully and impartially discharge the duties imposed upon him by law, which oath, with the records, shall be recorded in the book of records of the corporation. Mayor to qualify.

Sec. 25. In all cases when judgment may be entered up against any person for fines under the laws and ordinances of the corporation, and the person against whom the same is adjudged refuses or is unable to pay such judgment or fine, it may and shall be lawful for the mayor before whom such judgment is entered Fines to be worked out.

to order and require such person so convicted to work on the streets or other public works, until at a fair rate of wages such person shall have worked out the full amount of the judgment and cost of the prosecution, or the offender may be committed to the common jail of Buncombe County, with the right of the commissioners to work him on the public roads of the county. All sums recorded for such fines shall be paid into the treasury. No woman shall be worked on the streets or sentenced to work on the public roads.

No woman to be worked on streets.

Town marshals.

Marshal to qualify.

Sec. 26. The board of directors may, and it is authorized to appoint one or more town marshals, who shall, before a person authorized to administer oaths, take and subscribe to an oath that he will faithfully and impartially discharge the duties of his office according to law, which oath shall be filed in the records and recorded in the books of the corporation.

Police powers.

Sec. 27. The said constable as a police officer shall have within the corporation all the powers of a constable in the county, and as a ministerial officer he shall have power to serve all civil and criminal process that may be directed to him by the mayor or by any court within the county or counties within which the corporation is situate, under the same regulations and penalties as are prescribed by law in the case of constables and to enforce the ordinances of the corporation as the board may direct.

Tax collector and treasurer.

Sec. 28. The board of directors may appoint a tax collector and a treasurer and fix their bonds, payable to the corporation, for the faithful performance of their duties and for a true accounting and return of all moneys collected or paid into the treasury of the corporation at such time or times as are required by the directors or executive committee. And it may appoint any other committee or officers it may deem necessary, and prescribe their duties and powers.

Power of tax collector.

Sale of property for taxes.

Sec. 29. The tax collector shall have the [same] power to collect taxes imposed by the board of directors as the tax collector of the city of Asheville possesses. The corporation shall have the same powers to sell property for failure to pay taxes as is vested in the city of Asheville, and the proceedings of sales shall be the same.

Organization of corporation.

Sec. 30. The corporation shall be considered organized upon the passage and ratification of this act without a meeting of the directors or further notice. The corporators herein named and such others as they may elect, not exceeding the number allowed on the board of directors, may exercise the powers herein conferred.

Sec. 31. This act shall be considered a public act and shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 440.

AN ACT TO INCORPORATE THE ROCKINGHAM AND CASWELL RAILWAY COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That W. R. Walker, D. F. King, J. S. McAlister, B. Frank Mebane, Samuel Ellington, A. J. Whittemore, Reuben D. Reid, R. T. Williams, Hugh R. Scott, P. B. Johnston, P. W. Glidewell, J. R. Webster, John T. Olliver, H. A. Hayes, R. L. Watts, J. F. Wadlington, R. L. Mitchell, F. W. Brown, Julius Johnston and such other person or persons as may be associated with them, their successors and assigns are hereby created a body corporate under the name of the Rockingham and Caswell Railway Company, for the purposes hereinafter described, and under the aforesaid name and style shall have perpetual succession and shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts in law or in equity, and may make and have a common seal, and alter, renew or break the same at pleasure, and shall have, possess and enjoy all rights and privileges of a corporation or body politic under the general law, and also rights, privileges and franchises herein given. Corporators. Corporate name. Corporate powers.

Sec. 2. That said company shall have and it is hereby given the right and power to locate, construct, equip, maintain and operate by steam power, electric power or other power a railroad or any part thereof upon one or more tracks, standard gauge or otherwise, from some point on the Roanoke and Southern Railroad, now operated by the Norfolk and Western Railway Company, between the Virginia State line where said railroad enters North Carolina, and the town of Stokesdale, in the county of Guilford, thence through the counties of Rockingham, Caswell and Person by way of Spray, Wentworth, Reidsville, Yanceyville and to some point in Person County on the Norfolk and Western Railroad, and it may also construct, operate and maintain such lateral and branch lines as may be necessary or advantageous to the extension, completion and operation of such railroad, and for these purposes it shall have power to construct dams, culverts, trestles and bridges over and across streams, valleys and depressions; to intersect, join or unite its railway with any other railway now constructed or that may be hereafter constructed in this State upon the ground of such other companies at any point on its route, and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction, and may in making any intersection or connection with other roads have all the rights, powers and privileges conferred Power to locate, build and maintain railroad. Termini and route. Lateral and branch lines. Incidental powers.

upon railroads by chapter sixty-one of the Revisal of one thousand nine hundred and five of North Carolina, or any act of Assembly amendatory thereof. Said company shall have the right to locate such station or stations along its railroad and arrange such schedule or schedules for the running of its passenger or freight cars or trains as it may think proper, which are in accordance with law. For the construction of a railroad provided by this act, the company shall have for the purposes of acquiring land, easements or rights-of-way all the rights, powers and authorities given to railroads under chapter sixty-one of the Revisal of one thousand nine hundred and five of North Carolina, or any act of Assembly amendatory thereof, as fully as if the provisions of said chapter were incorporated in this act.

Stations and schedules.

Powers for condemnation of land.

Exclusive rights.

Sec. 3. Said company, its successors or assigns shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish; and it shall have the right to transport all manner of goods, United States mail or other property, and make and collect charges therefor, and to make, fix, charge and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Rates.

Use of highways and streets.

Sec. 4. Said company shall have the right and authority to use any public road or highway or street for the construction or operation of its railroad, cars, poles, lines or other equipment, under such reasonable regulations as the authorities controlling said roads, highways or streets respectively shall upon application from the company prescribe.

Capital stock.

Sec. 5. The capital stock of the said railway company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by the votes of its shareholders to an amount not exceeding three millions of dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him, such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in section one thousand two hundred and thirty-two and one thousand two hundred and thirty-five of chapter twenty-one of the Revisal of one thousand nine hundred and five, for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and ten thousand dollars shall be the minimum subscription on which said company may be organized. The company may receive cash, labor, material, bonds, stock, contracts, real or personal property in payment of subscriptions to its capital stock. A majority of the corporators hereinbefore named, or such of them as shall be subscribers, may organize the said

Proviso: increase of capital.

Stock votes.

Minimum subscription.

Payment of subscription.

Organization.

company by electing a board of directors and providing for the election or appointment of such other officers by said board of directors as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under this chapter and the laws of this State. No subscriber shall be individually liable for the debts of the company.

Subscribers not individually liable.

Sec. 6. It shall be lawful for the said company to borrow and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper, for any of the purposes of the company, and may secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its property, real, personal or mixed; also, on all its franchises, contracts, rights and privileges of every kind; and it may also, as the business of the company shall require, sell, lease or in any manner convey and incumber the same, or any part thereof.

Power to borrow money and issue bonds.

Mortgages and deeds of trust.

Sec. 7. The said company may connect or unite its lines with those of any other railway company or companies, or consolidate and merge its stock, property and franchises with and into those of any other railroad company or companies incorporated under the laws of this State or any other State of the United States, operating or authorized to operate railway lines, upon such terms and under such name as may be agreed between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all its property, real, personal or mixed, its contracts, and privileges and its charter rights and franchises to any such other company upon such terms as may be agreed upon between them, and may in like manner acquire by lease or purchase any or all the property, real or personal or mixed, and all contracts and privileges and the chartered rights and franchises of any such other company or companies; and full power and authority is hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, leases, sales, merges and changes of name.

Powers in connection with other roads.

Power of lease or sale.

Power to lease or purchase.

Sec. 8. The board of directors shall, as soon as it deems it practicable, proceed to locate the works of said company, and may have one or more locations from time to time as it may deem expedient, and the construction of some of the said works shall be begun within five years after the ratification of this act.

Directors to locate works.

Construction to begin within five years.

Sec. 9. That the principal office of said company shall be located at Reidsville, North Carolina, and such branch offices as may be desirable for the purposes of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe. But by consent of the board of directors

Principal office.

Removal of office.

the principal office may be removed to any place within the State most expedient to the management of its works.

Power to condemn lands.

Sec. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall go for the purchase of the land for the right-of-way and depot purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five and amendments thereto, or may file a petition before the Clerk of the Superior Court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plot thereof. The Clerk of the Superior Court shall thereupon issue a summons or notice to the owner, returnable to a day certain after ten days' notice, and, after a hearing, shall, if not sufficient cause is shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff, to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damage of the land or right-of-way taken. In assessing the damages, the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto, but general benefits pertaining to the public shall not be considered in reduction of damages. If the petition shall pray for a condemnation of the right-of-way only, the consideration or damages allowed shall be for the said easement only; but if for depot or building purposes, the consideration or damages shall be for the fee. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court, in term-time, from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk.

Procedure.

Appeal.

Limit on power of condemnation.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of its road-bed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and warehouses it may condemn not exceeding ten acres in any one place; and in all cases where land or rights-of-way have been condemned, and where the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and in such cases within two years from the removal of such disabilities.

Partial construction.

Sec. 12. A part of the railway line of said company may be constructed without completing its entire line, and the said part may be operated and charges may be collected therefor, notwithstanding the entire line of the company has not been completed.

By-laws, rules and regulations.

Sec. 13. The stockholders of said company, or board of directors, under a resolution of the stockholders, may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such time and places as the stockholders and board of directors may respectively prescribe.

Election of directors.

Sec. 14. The board of directors shall be elected at the stockholders' annual meetings, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of its election, and until its successors are elected and qualified; and it shall choose from among its number a president, vice-president, secretary and treasurer, but one or more of said offices may be held by the same person. In case of death, resignation or incapacity of any officer or member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

Term of directors.

President and other officers.

Vacancies.

Public act.

Sec. 15. This act shall be deemed and taken to be a public act, and a copy of any by-laws or regulations of the said company under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

Municipalities may subscribe to stock of company.

Sec. 16. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of the said company, or for bonds issued by the same, in the following manner: Upon presentation in writing, signed by not less than one-third of the freeholders and resident tax-payers of the county, township, city or town, to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock or bonds of said company, the board of commissioners of said county, or proper authorities of said city or town, may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to

Method of calling election on subscription.

Ballots.

such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house door of said county and at every polling place of said county, township, city or town where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town.

Law governing election.

Bonds to be issued by municipalities subscribing.

Sec. 17. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscription and shall issue such coupon bonds to the amount of said subscription, in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued. They shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate.

Denominations.

Maturity and interest.

Special tax for bonds.

Sec. 18. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay for the interest on the bonds issued on account of such county, township, city or town; and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which they were levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

Collection and payment of taxes.

Investment of sinking fund.

Company may issue bonds and execute mortgage.

Sec. 19. It shall be lawful for the said company chartered by this act to issue coupon bonds in such denominations and running for such a time and having interest at such a rate and payable at such a time and place as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same the company is author-

ized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Rockingham County, and, upon registration in said county, it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes.

Registration of mortgage.

Sec. 20. That the board of directors of the penitentiary shall, on the application of the president of said company, approved by the governor, turn over to said company convicts not otherwise appropriated, not less than fifty nor more than one hundred in number, to be worked in construction of said road, under the charge of sufficient guards and a superintendent, to be selected by said Board of Directors of the North Carolina State's Prison or penitentiary, and subject to the said board of directors, and to the prison rules and regulations adopted or prescribed by said board as far as practicable, the said convicts to be furnished with necessary quarters and tools and implements with which to work on said railway, and be fed, clothed and maintained by said board of directors of the said State's Prison until the grading of said railway shall have been completed, the payment of such expenses to be made out of funds appropriated for the support of the penitentiary, or out of moneys or assets otherwise coming or belonging to or standing to the credit of said North Carolina State's Prison, and the State's Prison Board shall fix a fair value for the work done, and whenever and as often as so much as one thousand dollars shall have been expended or earned by the said board of directors of the said State's Prison under the provisions of this act, it shall be entitled to demand and receive, and the said company shall issue and deliver, to the said board of directors a certificate for ten shares of the capital stock of said company of the par value of one hundred dollars each, made out in the name of the State of North Carolina, which shall become thereby a stockholder in said company to the extent of such shares, and shall be entitled to participate in the profits of said company pro rata with other stockholders, and to be represented and to vote its shares in all meetings of the stockholders, in the same manner as other stockholders may be entitled to vote, through a proxy to be named or appointed by the Governor of the State of North Carolina: *Provided*, that if at the completion of said road a fractional part of one thousand dollars shall have been expended by said Directors of the State's Prison after the issue of the last certificate for ten shares of stock, a corresponding

Directors of penitentiary to furnish convicts.

Payment for convict labor in stock of company.

State to become stockholder.

Proviso: final settlement.

amount of said capital stock at its par value shall be issued and delivered as aforesaid: and, *Provided further*, that upon delivery of said certificates of stock so issued to the State Treasurer, credit shall be given to the said Board of Directors of the North Carolina State's Prison for the par value of the shares of stock represented by such certificates.

Proviso: stock credited to State's prison at par.

Sec. 21. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 22. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 441.

AN ACT TO PAY DONNA M. BLEDSOE $2,073.40.

Preamble. Whereas, at the June term, one thousand eight hundred and sixty-nine, of the Supreme Court of North Carolina, an opinion was rendered by said Court in the case of Moses A. Bledsoe versus State of North Carolina, in which said Court declared that said Bledsoe was entitled to receive from the State pay for certain supplies, consisting of wood, corn, wheat and potatoes, which he furnished to the Insane Asylum during the years one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-four, and one thousand eight hundred and sixty-five prior to May first, and directed a statement of the account to be made

Preamble. by the clerk of said Court showing the amount due; and whereas, said opinion and statement of account were certified to the General Assembly of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, as appears in Document Number Twelve of the documents of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, in which said Court recommended the payment to the said Bledsoe of the sum of five thousand three hundred and seventy-three

Preamble. dollars and forty-seven cents; and whereas, it appears from the report of the directors of said asylum and the superintendent and physician thereof, as shown in Document Number Six of the documents of one thousand eight hundred and sixty-four, and one thousand eight hundred and sixty-six, that all the supplies purchased by said superintendent during the period named therein were necessary and were ordered by the board of directors at its meeting in November, one thousand eight hundred and sixty-

Preamble. three; and whereas, it appears from a resolution adopted by the General Assembly of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, ratified the twenty-

sixth day of March, one thousand eight hundred and seventy, and also from the records in the State Treasurer's office, that the sum of three thousand three hundred dollars is the only amount that has ever been paid upon said claim, leaving a balance due thereon of two thousand and seventy-three dollars and forty-seven cents; and whereas, it appears that the said Moses A. Bledsoe, prior to his death, did on the ninth day of October, one thousand nine hundred and five, transfer and assign to his wife, Donna M. Bledsoe, for a valuable consideration, all of his interest in and to the said claim, which transfer was made in writing duly signed by M. A. Bledsoe and witnessed by R. T. Gray, Esq.; now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the State Treasurer is hereby instructed to pay to Donna M. Bledsoe, widow and assignee of the late Moses A. Bledsoe, out of funds not otherwise appropriated, the sum of two thousand seventy-three dollars and forty-seven cents, in full payment and settlement of any balance on the said claim of Moses A. Bledsoe against the State of North Carolina, which was recommended to be paid by the Supreme Court of North Carolina in its opinion rendered at June term, one thousand eight hundred and sixty-nine. Payment to be made.

Sec. 2. That the said Treasurer shall require the said Donna M. Bledsoe, before receiving said sum, to deliver to the said Treasurer the written transfer and assignment of said claim that was executed to her by said Moses A. Bledsoe on October ninth, one thousand nine hundred and five, and witnessed by R. T. Gray, Esq., and shall further require the said Donna M. Bledsoe to receipt to said Treasurer in full for any and all demands and claims against the State of North Carolina arising from and connected with said claim of the late Moses A. Bledsoe. Transfer to be delivered to treasurer. Receipt.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 442.

AN ACT TO AMEND THE CHARTER OF THE RANDOLPH AND CUMBERLAND RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the Randolph and Cumberland Railroad Company, heretofore, to-wit, on the thirteenth day of June, A. D. one thousand nine hundred and six, obtained under the provisions of chapter sixty-one, volume one of the Revisal Charter under general law.

of one thousand nine hundred and five of North Carolina, be and the same is hereby amended as follows:

Named changed.

Sec. 2. That the name of said company be and the same is hereby changed from the Randolph and Cumberland Railroad Company to Randolph and Cumberland Railway Company.

Main line.

Sec. 3. That the said company shall have authority to construct its main line through a portion of Chatham County, provided it shall be found to be the most practicable route between High Falls, in Moore County, and Coleridge, in Randolph County, but a map of the route shall be filed with the Corporation Commission.

Counties and townships to subscribe to stock.

Sec. 4. That the boards of commissioners of the several counties through which said railroad may pass shall have full power and authority to subscribe to its capital stock on behalf of the respective counties or townships to the amount they shall be authorized by the said counties or townships respectively; and the authorities of all the incorporated cities or towns to the amount authorized by the inhabitants of such cities or towns respectively, and the authorities of any other corporation to such an amount as they may be authorized by their directors and members. And to enable them to borrow money to make such subscriptions they may issue bonds or other evidence of debt; when such subscriptions are made they shall be as binding on the county, township or other corporation making them as individual subscriptions are upon those by whom made. And in all cases where a township shall make a subscription the county commissioners shall be authorized to represent such township and to make such subscription, when authorized by vote, as hereinafter provided.

Cities and towns to subscribe to stock.

Other corporations to subscribe to stock.

Bond issues.

County commissioners to represent townships.

Method of calling election for township subscriptions.

Sec. 5. That the boards of commissioners of the several counties through which the road may pass are respectively authorized and required, whenever one-fourth of the qualified voters of any township in their county shall petition to them in writing to have submitted to the voters of said township a proposition to subscribe a specific sum to the capital of said company, to cause an election to be held in said township at the proper voting place or places therein, after thirty days' notice of said election by advertisement at the court-house door of said county and at four or more public places in said township, and to submit to the qualified voters of such township the election of subscribing to the capital stock the sum of money specified in the written request of the voters calling for said election as aforesaid, at which election those in favor of said subscription shall deposit a ballot on which shall be written or printed the words "For Railroad," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Railroad." The returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day of such election, who shall on that

Notice of election.

Ballots.

Returns.

day canvass the same, and if a majority of all the qualified voters in said township shall be for the railroad, then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners. And the commissioners shall have power to order a special registration for the election herein provided for under the law governing elections, and they shall also appoint a registrar and two judges, etc., and the registration books shall be kept open for the registration of qualified voters for twenty days prior to such election.

Special registration.

Registration.

Sec. 6. That in payment of any subscription made as provided in the next preceding section, the board of commissioners of the county wherein such township may be situated shall issue bonds to an amount not exceeding the sum so subscribed, and said bonds shall express on their face by what authority and for what purpose they are issued. They shall be payable thirty days after the first day of January next after the year in which they are issued. They shall be coupon bonds and bear interest at the rate of five per cent. per annum, interest payable on the first of January in each year by the treasurer of the county in which said township is situate, if the county have a treasurer, but if not, then by the sheriff of the county. The said bonds shall be signed by the chairman of the board of county commissioners and the treasurer of the county, and the coupons by said treasurer.

County commissioners to issue bonds.

Maturity.

Interest.

Authentication.

Sec. 7. That to provide for the payment of interest on the bonds issued as aforesaid, and for the redemption at maturity, the board of commissioners of the county in which the township is situate on account of which said bonds have been issued shall, in addition to other taxes, compute and annually levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds and such amount of the principal thereof as the commissioners may deem necessary, which taxes shall be collected by the sheriff of such county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now provided by law for the faithful collecting and paying over the State and county taxes. The sheriff shall pay said taxes when collected to the treasurer of his county, who shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of such payment, and the balance of the money shall be invested by him in the purchase of said bonds at a rate not above par: *Provided*, if said county have no treasurer, then the sheriff shall retain the taxes in his hands for the performance of the duties hereinbefore required of the treasurer, which duties he shall perform instead of the treasurer.

Special tax for interest and bonds.

Collection of taxes.

Payment of taxes.

Investment of balance.

Sec. 8. That the commissioners or aldermen of any city or town in any of the counties through which the said railroad may be constructed shall be authorized and required, when one-fourth

Method of calling election for subscription by cities or towns.

of the qualified voters in said city or town shall in writing request that a proposition to subscribe a specific amount to the capital stock of said company may be submitted to the qualified voters of such city or town, to cause an election to be held therein under the same rules and regulations, including a special registration, as are prescribed hereinbefore for the election in townships, except that the returns of the election shall be made to the commissioners or aldermen of the city or town, who shall canvass the same, and if a majority of all the qualified voters of said city or town shall have voted "For Railroad," then the mayor of the city or town shall make the subscription to the capital stock of said railroad company. For the purposes of this act the meaning of "qualified voters," wherever it occurs, shall include only those voters who shall have registered under the special registration herein provided for. And in payment of any subscription the aldermen or commissioners of such city or town shall order the issue of bonds of the same denomination and character, bearing the same interest and having the same time to run, as are provided hereinbefore for township subscription; and in addition to the other tax upon the subjects of taxation of said city or town the said aldermen or commissioners shall levy a tax sufficient to pay the interest on said bonds and such amount of the principal as the commissioners shall have deemed necessary to be levied to form a sinking fund for said bonds. The tax levied under the provisions of this section shall be collected by the constable or the tax collector of such city or town in the same manner as the other taxes of said town or city are collected, and subject to the same rules and regulations and with the same penalties and remedies against the constable or tax collector and his sureties for failure to collect the amount of the same. When collected, said taxes shall be paid by the constable or tax collector to the treasurer of said city or town, who shall first pay the interest on said bonds, and after that invest the balance collected on account of said bonds in the purchase of said bonds at par.

Special registration.

Returns.

Mayor to make subscription.

Definition of "qualified voters."

Bonds to be issued.

Special tax.

Collection of taxes.

Payment of taxes.

Sec. 9. The bonds under the provisions of this act to secure subscriptions to the capital stock of said railroad company by any township shall be signed by the chairman of the board of county commissioners of the county in which said township is situated, and by the clerk of said board, and the coupons shall also be thus signed. The bonds issued by any city or town under the provisions of this act shall be signed by the mayor and the treasurer of said city or town, and the coupons shall be signed by the treasurer of such city or town.

Authentication of township bonds.

Authentication of municipal bonds.

Sec. 10. The bonds or stock issued under authority of any such election by town, township, city or county may be refunded by the authorities of such town, township, city or county at or before maturity at the same or at a lower rate of interest:

Bonds or stock may be refunded.

Provided, the holder of any such stock, bonds or securities consent to such refunding, changing or reduction in the rate of interest. Proviso: consent of holders.

Sec. 11. That the foregoing provisions shall apply to any branch line of said Randolph and Cumberland Railway Company not exceeding fifteen miles in length: *Provided*, this charter shall be amended to cover said branch line under the provisions of chapter sixty-one, volume one of the Revisal of one thousand nine hundred and five of North Carolina. Branch lines.

Sec. 12. That the powers, rights, privileges and franchises acquired by said company under the charter granted it by virtue of chapter sixty-one, volume one of the Revisal of one thousand nine hundred and five of North Carolina, except as herein amended or modified, be and the same are in all respects ratified and confirmed. Powers under general law.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 443.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF RUTHERFORDTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the town of Rutherfordton, embracing all the territory within the corporate limits of said town as the same are now located or may hereafter be located, shall be and is hereby constituted the Rutherfordton Graded School District. The Rutherfordton Graded School District established.

Sec. 2. That C. B. Justice, Ed. Beam, T. A. McClain, H. L. Carpenter and E. B. Harris be and they are constituted a board of trustees for said graded school; any vacancies occurring in said board otherwise than by expiration of their terms of office shall be filled by a vote of a majority of the remaining members thereof. That the term of office of H. L. Carpenter and C. B. Justice shall expire on the first Monday in July, one thousand nine hundred and eight; that the term of office of E. B. Harris and Ed. Beam shall expire on the first Monday in July, one thousand nine hundred and ten; and that the term of office of T. A. McClain shall expire on the first Monday in July, one thousand nine hundred and twelve. As the terms of office of the said trustees as hereinbefore provided for shall expire, their successors shall be elected by the remaining members of the board for a term of six Trustees appointed. Vacancies. Terms of office. Election of successors.

years. The said trustees hereinbefore named and their successors shall hold their offices until their successors are elected and qualified.

Powers of trustees.

Sec. 3. That the said trustees as provided for by this act shall have exclusive control of the public school interests, funds and property in the graded school district as hereinbefore provided;

School property vested in trustees.

and all the property, both real and personal, and funds belonging to the public schools of said town or which may at any time belong to the said public schools while the said graded school is in operation shall be vested in and controlled by the said board of trustees and its successors, and the same shall be held in trust

Proviso: reversion.

for the said graded school by the said board: *Provided*, that in the event of the discontinuance of the said graded school all the property thereto belonging which the said graded school shall have received from the public school of said town or which it may be holding in trust for said public school shall revert to and be-

Further powers of trustees.

come the property of the said public school of said town. The said trustees shall have power to prescribe rules and regulations for their own government not inconsistent with law, and shall fix the compensation or salaries of the officers and teachers of said graded school, and they shall have the power to remove any of said officers or teachers when the best interest of the school demands the same.

School census.

Sec. 4. The said trustees shall make an accurate census of the school population of said district as required by the general school

Superintendent and principal.

law of the State which may be in force from time to time. The said school trustees shall elect annually a superintendent and in consultation with him a principal of said graded school, and the said superintendent shall have the power and it shall be his duty

Teachers.

to examine all teachers who shall teach in said school and to issue certificates to the same, and the said superintendent shall perform such other duties as may be prescribed by the said board of trustees.

Apportionment from general fund.

Sec. 5. That all the moneys which shall from time to time be apportioned under the general school law of this State to the foregoing described district shall be turned over by the Treasurer of Rutherford County to the town treasurer of said town for the benefit of said graded school, and this act shall not have the effect to prevent or hinder the said district from being entitled to and receiving its lawful share of the general school funds of the State and county.

Special taxes to continue to use of graded school.

Sec. 6. That this act shall not have the effect of repealing or in anywise interfering with any statute or statutes now in force authorizing the levy and collection of any special tax for the benefit of the public school of said town, but the same shall remain in force, and the special taxes arising therefrom shall be devoted to the maintenance and support of said graded school herein provided for.

School treasurer.

Sec. 7. That the duly elected treasurer of said town shall be treasurer of said graded school, and his receipt shall be a sufficient voucher or receipt in the hands of any person paying to him any money belonging to the said graded school, and it shall be the duty of said treasurer to report to the said school board upon reasonable notice his receipts and disbursements with all vouchers for the same. All moneys received by said treasurer belonging to said graded school shall be held by him for said school and shall only be paid out by him upon a warrant issued by the chairman of said school board and countersigned by the secretary of said board, which voucher when so signed shall be a sufficient voucher or receipt in the hands of said treasurer in any settlement. The said treasurer before receiving any moneys belonging to said school shall execute a good and sufficient bond in double the amount of the estimated funds for said school during his term of office, the same to be payable to the State of North Carolina in trust for said school; the said bonds to be approved by the said trustees and to be filed with their papers. It shall be the duty of the said treasurer to furnish the said board of trustees an annual report in writing of his receipts and disbursements during the past year, said report to be made at such time as the said trustees may direct.

Reports of treasurer.

Warrants for school money.

Treasurer to give bond.

Annual reports.

Organization of trustees.

Sec. 8. That it shall be the duty of the said board of trustees to organize under the power and privileges herein conferred and to elect one of its number chairman and another secretary of said board; the said chairman and secretary shall hold their offices till the first Monday in July, one thousand nine hundred and eight, at which time and every two years thereafter it shall be the duty of said board to elect two of its members to fill said offices.

Term of officers.

School incorporated.

Corporate name.

Corporate powers.

Sec. 9. The graded school hereby created shall be a body corporate by the name and style of The Rutherfordton Graded School, and by that name it shall have power to receive gifts and grants, to make purchases of real and personal property and to hold the same, to sell, mortgage and transfer the same, to prosecute and defend suits for or against the corporation hereby created. All conveyances to said school shall be made to the trustees of the same and their successors in office, and all these and other agreement affecting real estate shall be deemed to be sufficiently executed when signed by the chairman and countersigned by the secretary of the said school trustees.

Conveyances to school.

Sec. 10. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification: *Provided*, that it shall not have the effect to hinder, interfere with or stop the present school now in session until the expiration of the present school term.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 444.

AN ACT SUPPLEMENTAL TO AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF CONCORD, CABARRUS COUNTY, BEING HOUSE BILL 1662, SENATE BILL 1514, PASSED BY THIS GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. Amend section twenty-four of said act to amend, revise and consolidate the charter of the city of Concord by adding at the end of said section the following words: "*Provided*, nothing in this act shall have the effect or be construed to change, alter or modify any of the duties, rights or privileges of the Board of Light and Water Commissioners of Concord or the individual members of said board existing under the prior act of the General Assembly."

Rights and duties of light and water commissioners not affected.

Sec. 2. Amend section twenty-five of said act by adding at the end thereof the following: "That any party aggrieved shall have the right of appeal to the Superior Court for Cabarrus County upon giving such bond as required by law from all judgments or decisions of the Police Justice for the City of Concord."

Right of appeal.

Sec. 3. Amend section forty-two of said act by adding at the end of said section the following: "The policemen of said city shall have the same power and authority to make arrests within one mile beyond the corporate limits of the city of Concord in every direction as they now have within the corporate limits of said city, and that all ordinances enacted and passed by the board of aldermen shall be in full force and effect within one mile beyond the corporate limits of said city in every direction."

Powers of policemen.

Sec. 4. Amend section sixty-eight of said act in paragraph one thereof by striking out the words "sixty-six and two-thirds" and inserting in lieu thereof the word "sixty." Amend paragraph two of said section by striking out the word "two" and inserting in lieu thereof the word "one," and after the word "dollars" inserting the following words: "and eighty cents."

Tax rate.

Sec. 5. Amend section sixty-three of said act by adding at the end of said section the following, after striking out the period at the end of said section, and then as follows: "and said taxes shall be levied and collected in addition to the regular taxes for general and municipal purposes of the said city."

Additional taxes.

Sec. 6. Amend section sixty-six of said act by adding at the end of the same the following words: "*Provided*, that nothing in this act shall be construed to interfere with the opening by the city of Concord the proposed street between South Union and South Spring Streets along the southeasterly boundary of the

Proviso: street heretofore ordered.

former residence lot of Major Robert W. Foard, now known as the Ross lot, in accordance with the 'agreement and contract' entered into by the city of Concord with the United States under date of January twelfth, one thousand nine hundred and seven; said lot having been selected and purchased on the sixteenth day of February, one thousand nine hundred and seven, for the site of a Federal building in the city of Concord."

Sec. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 445.

AN ACT TO ESTABLISH A GRADED SCHOOL DISTRICT IN LILESVILLE TOWNSHIP, ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the following territory be and the same is hereby established as the Lilesville Graded School District, to-wit: That territory which comprises the Lilesville Public School District Number One, white, as established and now existing. Lilesville Graded School District established.

Sec. 2. That the Graded School Committee of the Lilesville Graded School, as set forth in section one of this act, shall consist of seven members instead of three, as now required by the general school law; that A. J. Allen, J. F. Alexander, A. P. Liles, E. P. Liles, H. J. Wall, G. A. Ingram and J. E. Kerr shall constitute said committee, and that the term of office of J. F. Alexander and J. E. Kerr shall expire on the first Monday in May, one thousand nine hundred and nine; that the term of office of H. J. Wall and A. P. Liles shall expire on the first Monday in May, one thousand nine hundred and eleven; that the term of office of G. A. Ingram and E. P. Liles shall expire on the first Monday in May, one thousand nine hundred and thirteen; that the term of office of A. J. Allen shall expire on the first Monday in May, one thousand nine hundred and fifteen; as the terms of the members of said committee, as above provided, shall expire, their successors shall be elected for a term of five years by the Board of Education of Anson County at its first meeting after its election and qualification. Whenever any vacancy shall occur in said committee otherwise than by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee. Graded school committee. Committeemen. Terms of office. Successors. Vacancies.

Sec. 3. That the school committee provided for by this act shall have exclusive control of the public school interests, funds and Powers of school committee.

property in the graded school district, as hereinbefore provided; shall prescribe rules and regulations for its own government, not inconsistent with law; shall fix the compensation of the officers and teachers of the public or graded school annually, and they shall be subject to removal by said committee. Said committee shall make as accurate census of the school population of said district as required by the general school law of the State, and all other acts that may be lawful and proper to conduct and manage the general school interests within said district: *Provided*, all children resident in said district between the ages of six and twenty-one years shall be admitted into the school free of tuition charges. The said school committee shall make such reports as are now or may hereafter be required of it to the county board of education, the county superintendent of schools, and the State Superintendent of Public Instruction.

School census.

Proviso: free tuition.

Reports.

Superintendent of schools. Duties.

Sec. 4. That the school committee created by this act may elect annually a superintendent of the schools in said district. The Superintendent of Schools of Anson County shall examine all applicants for positions of teachers in said school, and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said school committee.

Special tax.

Sec. 5. That it shall be the duty of the Board of County Commissioners of Anson County to annually levy a tax of not more than thirty cents on the one hundred dollars' valuation of property in said district, and not more than ninety cents on each poll in said district, the constitutional equation to be observed in said levy. Said tax to be levied for the support and maintenance of the public schools in said district. The amount to be levied by said board of commissioners to be determined by the school committee and certified by said committee to the said board of commissioners. Said tax shall be collected by the Sheriff of Anson County, and shall be by him paid to the treasurer of said school committee.

Amount determined by school committee.

Apportionment from general school fund.

Sec. 6. That the moneys which shall from time to time be apportioned under the general school laws of the State to the above described school district shall be turned over by the Treasurer of Anson County to the treasurer of said school committee for the benefit of said schools: *Provided*, that the mayor of the town shall make a full return of all fines, penalties or forfeitures collected on the first days of April and October of each year, all such moneys to be turned over to the treasurer of said committee to become as other school funds.

Proviso: fines, penalties and forfeitures to use of school fund.

School treasurer.

Sec. 7. That said school committee shall elect one of its number as treasurer, whose receipts for such moneys shall constitute a sufficient voucher in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements with all vouchers for

Monthly reports.

the same. The moneys received as aforesaid and all other moneys coming into his hands shall be held by the treasurer of said committee, said fund to be disposed of under the direction of the aforesaid school committee, whose warrants, when signed by the chairman and countersigned by the secretary of said committee, shall only be valid vouchers in the hands of said treasurer for disbursement of said moneys in any settlement required of him by law. The said treasurer shall furnish annually on the first Monday in July to the Board of Education of Anson County a statement in writing of his receipt and disbursements of the school money properly and duly audited and approved by the chairman and secretary of the said school committee: *Provided*, the account books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time.

Warrants for school money.

Annual reports of treasurer.

Sec. 8. That the said school committee shall make annually to the Board of Education of Anson County, at such time as required under the school law of the State, a report containing an accurate census of the school population of the said district, showing the work done and money expended under its direction in the said district on account of public schools therein, a copy of which report shall be forwarded to the Superintendent of Public Instruction of the State and a copy to the Superintendent in the County of Anson. The beginning and ending of the school year shall be fixed by the committee.

Annual reports of school committee.

Sec. 9. The school committee provided for in this act shall have the right to control site, lands, buildings and other property belonging to the trustees of the Lilesville Academy or High School, and the title thereto is hereby invested in said committee and its successors; and said school committee shall succeed to all the rights given and belonging to the trustees of the Lilesville Academy or High School under and by virtue of the act incorporating the same.

Control of and title to school property.

Sec. 10. The school committee hereby created shall be a body corporate by the name and style of the Lilesville Graded School, and by that name it shall be capable of receiving gifts and grants, of making purchases and holding real estate and personal property, or selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. All conveyances to said school commitee shall be made to it and its successors in office, and all deeds and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee.

School committee incorporated.
Corporate name.
Corporate powers.

Conveyances to school committee.
Conveyances by school committee.

Sec. 11. That in apportioning the school fund of said county, said school district shall be allowed the proportion of said fund due per capita to the children of school age.

Apportionment from general fund.

Sec. 12. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

Adoption of law to be voted on.

Sec. 13. The Board of Commissioners of Anson County shall call an election in said territory on the twenty-first day in May, one thousand nine hundred and seven, at which there will be submitted to the qualified voters in said district the adoption of this law. The said board of commissioners shall give such notice of said election as in its discretion may be sufficient, and shall, if it deem wise, order a new registration, and shall give only such notice of said registration as it may deem necessary or expedient. In said election those who favor the adoption of this act shall vote a ballot whereon shall be printed or written the words "For School District," and those who are opposed to the adoption of this act shall vote a ballot whereon shall be written or printed the words "Against School District." And if a majority of the tickets or ballots so cast shall be "For School District," this act shall be in full force and effect. But if the majority shall be "Against School District," then this act shall be of no force and effect, and none of its provisions shall be operative. Said election shall in all other respects be held as elections of members of the General Assembly.

Notice of election.

Notice of registration.

Ballots.

Law governing elections.

Sec. 14. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 446.

AN ACT TO CHANGE THE BOUNDARIES OF THE TOWN OF JASON, IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifty-four (54) of the Laws of the Session of one thousand eight hundred and eighty-nine (1889) of the General Assembly of North Carolina be and the same hereby is amended by striking out all of the words in section two (2) of the same, and inserting the following in lieu thereof, to-wit: "That the corporate limits of the said town of Jason shall be as follows, to-wit: Beginning at a gum tree, a former corner of the R. H. Hardy and I. R. Baker lands, runs in a southwest course and parallel to the Snow Hill and La Grange public road to Maggie Hadley's line; thence with her line in an east direction across said public road at right angles thereto; thence continuing said line along the said Maggie Hadley's line three hundred yards; thence in a northeast direction and parallel to the aforesaid public road about seven hundred and fifty yards to the line between W. B. Newborn and N. H. Sutton; thence with the line of said

Corporate limits.

Newborn and Sutton in a west direction, about three hundred yards to the aforesaid public road; thence in a southwest direction about five hundred and forty-five yards to a pine, W. D. Cobb's corner; thence in a southwest direction about two hundred and seventy-four yards to the beginning."

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 447.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CASTALIA, NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of said town of Castalia, in Nash County, shall extend a distance of eighteen hundred feet in all directions from the old John A. Harrison store on Peachtree Street, in Castalia, in said county. Corporate limits.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 448.

AN ACT AUTHORIZE AND EMPOWER THE BOARD OF GRADED SCHOOL TRUSTEES OF ASHBORO TO ISSUE BONDS AND TO PROVIDE FOR THE PAYMENT OF THE BONDS ISSUED UNDER CHAPTER 413, PRIVATE ACTS OF 1905.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Graded School Trustees of Ashboro shall be and is hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding five thousand dollars ($5,000) of such denominations and of such proportion as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per cent. per annum with interest coupons attached, payable half yearly Bond issue authorized. Amount. Interest.

at such time and place as may be deemed advisable by said board of trustees; said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times not exceeding twenty years from the date thereof, and at such place or places as said board of trustees may determine: *Provided*, that the said board of trustees shall issue such bonds at such time or times, and in such amount or amounts, as may be required to meet the expenditures hereinafter provided for in section two of this act.

Maturity.

Issue of bonds.

Appropriation of proceeds.

Sec. 2. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said board of graded school trustees in the completion of the graded school buildings now being erected by said board as may be required, and furnishing the same with graded school furniture and other necessary equipment, and in the payment of any obligations already made by the board for said purpose.

Bonds not to be sold below par.

Sec. 3. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for less price than their par value; nor shall said bonds or their proceeds be used for any other purpose than that declared in section two of this act.

Exemption from town tax.

Sec. 4. That said bonds and their coupons shall not be subject to taxation by the town of Ashboro until after they have become due and tender of payment shall have been made, and such coupons shall be receivable in payment of all public dues of said town for any fiscal year in which said coupons shall become due, or thereafter, and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, the holder shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Coupons receivable for town taxes.

Particular tax authorized.

Sec. 5. That for the purpose of providing for the payment of said bonds and interest thereon and of defraying the expenses of the public graded schools of Ashboro, the Board of Commissioners of the Town of Ashboro shall annually and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and seven, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular taxes to be not more than ten cents on the one hundred dollars' assessed valuation of property in addition to the forty cents authorized under chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five, and not more than twenty-five cents on each taxable poll in addition to the amount authorized under chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five.

Tax limit.

Collection of tax.

Sec. 6. That said tax shall be collected in the manner and under the provisions contained in chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five for the collection of the taxes authorized under said act.

Sections submitted to voters.

Sec. 7. That the provisions of sections one and five of this act shall be submitted to a vote of the qualified voters of said town of Ashboro at an election to be held at any time the board of town commissioners in its discretion may designate within the next twelve months after the ratification of this act. That thirty days' notice of said election, containing a copy of the provisions of sections one and five of this act or a synopsis of the same, shall be published in some newspaper published in the town of Ashboro, and in all other respects the said election shall be held and conducted under the provisions of the law governing the holding of municipal elections of said town. Those qualified voters approving the issue of bonds provided for in section one and the levy and collection of the particular taxes provided for in section five of this act shall deposit a ballot containing the written or printed words "For Better Schools," and those disapproving this bond issue shall deposit a ballot containing the written or printed words "Against Better Schools." If a majority of the qualified voters of said town is in favor of granting to the aforesaid board of graded school trustees authority to issue such bonds, and to the board of commissioners of said town to levy such particular tax, then said board of trustees and said board of commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Better Schools," then said board of trustees and said board of commissioners shall not have such authority: *Provided*, that the result of such election duly ascertained in accordance with the law shall be enrolled among the public records of the town of Ashboro; and after thirty days from the date of such enrollment, said record shall not be opened to attack, but shall be deemed conclusive evidence of the truth of the facts therein recited.

Notice of election.

Ballots.

Proviso: record of result.

Sinking fund.

Sec. 8. That for the purpose of creating a sinking fund with which to pay the principal of the bonds aforesaid issued under section one of this act, and with which to pay the principal of the bonds issued under section two of chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five, it shall be the duty of the said Board of Graded School Trustees of Ashboro, at and after the expiration of five years from the date of any of the bonds so issued, to retain out of the taxes levied and collected in said town for school purposes under the provisions of this act or of chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five, a sufficient amount annually, together with the interest accumulated from the investment thereof, for the liquidation of said bonds at

maturity, and the amounts so expended for the creation of said sinking fund, and the amounts expended in the payment of accruing interest of said bonds issued under this act and under chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five, shall be deemed money expended for the benefit of the public schools located in the Ashboro Graded School District.

Investments of sinking fund.

Sec. 9. That it shall be the duty of the said board of graded school trustees to annually invest any and all moneys retained from said special tax collected under section five of this act and section six of chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five in the purchase of any of the school bonds of said district at a price deemed advantageous to said school district by said board; but in case said bonds be not purchased as herein provided, the said board of graded school trustees may lend said sinking fund or any part thereof in such sums as it may deem proper for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security for the payment thereof and for the payment of the interest thereon mortgages or deeds in trust in the name of the board of graded school trustees on sufficient real estate, or bonds issued under this act or chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five may be taken as collateral security for such loan. In case the board of graded school trustees of said district shall not be able to invest any or all of said moneys annually as directed above, it may and it shall be its duty to cause such part as it is unable to invest to be deposited with some National or State bank, trust company or safe deposit company of undoubted solvency at the best obtainable rate of interest.

Preference of claims for interest.

Sec. 10. That the interest on the bonds issued under this act and the bonds issued under chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five shall be paid by said graded school trustees in preference to the other expenses of the graded schools of the Ashboro Graded School District.

Pay of tax collector and treasurer.

Sec. 11. That the pay of the tax collector and treasurer under this act shall be the same as that provided for in section eighteen, chapter four hundred and thirteen of the Private Acts of one thousand nine hundred and five.

Sec. 12. That all laws and clauses of law in conflict with this act are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 449.

AN ACT FOR THE RELIEF OF J. L. GLASS, A PUBLIC SCHOOL TEACHER IN DISTRICT No. 3, WILKESBORO TOWNSHIP, WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of Wilkes County be and he is hereby authorized and directed to pay to J. L. Glass, teacher in Public School District Number Three for Wilkesboro Township, Wilkes County, for the white race, the sum of seventeen and forty-six one-hundredths dollars ($17.46) for services as such teacher in said district for the years one thousand nine hundred and five and one thousand nine hundred and six, out of any money now due said district or any that may hereafter become due the same. To be paid for services as teacher.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 450.

AN ACT TO INCORPORATE THE KINSTON AND CAROLINA RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That W. W. Mills, G. D. B. Parker, George Turner, Charles H. Foy, B. H. Ellington, O. W. Quinn and R. C. Guy and such other persons as may hereafter become associated with them as stockholders, their successors and assigns, be and they are hereby created and declared a body politic and corporate under the laws of the State of North Carolina under and by the name of the Kinston and Carolina Railroad Company, and by such name may sue and be sued, plead and be impleaded, contract and be contracted with, adopt a common seal and change the same at will, make, use, change and adopt by-laws, and shall have and enjoy all the rights, powers and privileges that are granted to railway and other corporations by the general laws of this State, as well as the common law, and shall enjoy all rights and privileges necessary for the purpose of this act. Corporators. Corporate name. Corporate powers.

Sec. 2. That the said corporation shall have a president, vice-president or vice-presidents, secretary and a treasurer and such other officers as the by-laws from time to time may prescribe. Officers.

Matters to be prescribed in by-laws.

Sec. 3. That the duties of the officers and directors of the corporation, the number of directors, the manner of the election of each officer and director and the mode of filling vacancies in each shall be as prescribed in the by-laws.

Capital stock.

Sec. 4. The capital stock of the corporation shall be one hundred thousand dollars, divided into one thousand shares of the par

Increase of capital.

value of one hundred dollars each, but said capital stock may from time to time be increased to such an amount as a majority in value of the stockholders shall determine, upon the payment of fees prescribed by law; such increased amount to be likewise divided into shares of the par value of one hundred dollars each.

Preferred and common stock.

Said capital stock may be divided into preferred and common shares in such proportion and with such privileges, qualities and characteristics as the majority in value of the stockholders may

Business to begin.

determine. Said corporation may begin business when fifty thousand dollars of its capital stock has been subscribed for.

Power to construct, maintain and operate railroad.

Sec. 5. That the said corporation shall have the right and power to construct, maintain and operate a line or lines of rail-

Termini and route.

road from any point in Lenoir County to any point in New Hanover County, or from any point or points on the Norfolk and Southern Railroad between Goldsboro and Morehead City to any point on the Atlantic Coast Line Railroad between the cities of Goldsboro and Wilmington, and for that purpose is empowered to pass through any portions of the county of Lenoir, Wayne, Jones, Duplin, Onslow, Pender, Sampson, Bladen, Columbus, Brunswick and New Hanover as it may desire, and along all of said routes the said company shall have the right and is empowered to locate, construct, equip, maintain and operate a railroad or railroads, or any part thereof, with one or more tracks, either narrow or

Power to acquire land.

standard gauge, and to that end shall have the right to acquire by purchase, gift or condemnation such lands as may be necessary for the purpose of its rights-of-way, freight houses, warehouses, depots and any other purpose, and in the operation of said railroad or railroads the said company shall have the right to use such motive power as it may desire.

Lateral and branch lines.

Sec. 6. That the said corporation shall have the right to construct, maintain and operate said lateral and branch lines in

Incidental powers.

the counties named in this act as it may desire, and for these purposes it shall have the power to construct dams, culverts, trestles and bridges over or across streams, creeks, savannas, valleys and depressions. Said corporation is hereby authorized to construct, maintain and use bridges and trestles for the transportation of its cars across any river, creek or other body of water or depression in the line of its said railroad or railroads: *Provided*, that the said corporation shall provide suitable draws in its bridges over navigable streams, and shall otherwise observe all lawful regulations made by the State of North Carolina or the Federal authorities.

Water transportation.

Sec. 7. That the said corporation may own and operate, in connection with its said railroad or railroads or any of its branch lines, ferries and ferry boats, steamboats and other means of transportation by water for passengers and freight, and it is hereby empowered to build, maintain and operate telegraph and telephone lines on its right-of-way or any part thereof.

Telegraph and telephone lines.

Power to hold real estate.

Sec. 8. That said company shall be fully empowered to take by purchase or gift and to hold in fee simple, or in any other manner in which a natural person may hold real estate, any number of acres of land besides the amount that may be necessary for its rights-of-way, depots, warehouses, shops or other buildings or structures that may be necessary or convenient for its use.

Power to intersect or unite with other roads.

Sec. 9. The said corporation is authorized and fully empowered to cross, intersect or join or unite its railroads heretofore constructed, or hereafter to be constructed, at any point or points on its route or on its termini upon its own land or rights-of-way, or upon the right-of-way or land of any other such railroad or railroads, with the necessary or proper or convenient turnouts, sidings, switches and whatever else may be necessary or proper in the construction of its railroad or railroads, or other constructions or buildings necessary or convenient in the operation of the same; and to run over any part of any other railroad's right-of-way necessary or proper or convenient for its said line to be run in order to reach its freight depot or passenger depot, or to go to any other place necessary or convenient in its construction or extension in any city or town or village to or near which said railroad or railroads may run, and to cross any public road at any point that it may be necessary or convenient to do so, and is further authorized and empowered with all powers and privileges necessary, to reach any other point or points in its right-of-way, or in the counties in which by this act it is authorized to operate.

Power to cross public roads.

Power to condemn lands.

Width of right-of-way.

Sec. 10. That the said corporation shall have the right to condemn lands for the purpose of building and operating its road for rights-of-way, according to the existing law; the width of said rights-of-way to be determined by the corporation not to exceed two hundred feet. The said corporation is also authorized and empowered to take as much land as may be necessary for the proper construction, operation, security and maintenance of the said road or any of its depots, warehouses or other buildings or structures, making compensation therefor as provided by law, and full power and authority are also given to the president, directors and stockholders of the said corporation, and their agents, superintendents, engineers, employees and laborers and all others in their employ, to enter at all times upon any and all lands or water in the counties named in this act for the purpose of exploring or surveying or examining the said lands or water or any-

Power to enter upon land for surveys.

thing also thereon for the said corporation, and locating any line or other property of said corporation: *Provided*, that no unnecessary damage shall be done to private property by reason of the same.

Further powers.

Sec. 11. That the said corporation may subscribe to the capital stock of any other corporation now in existence or hereafter to be created in this State or elsewhere, and hold shares in the same; it may buy, sell, own, hold and deal in real estate, standing trees, lumber, lumbermen's materials and supplies, wood, coal and any and all other goods, wares and merchandise of any and all kinds; it may build, equip and operate saw mills, planing mills, stone mills, shingle mills, dry kilns, hotels, boarding houses, mills for the production and manufacture of dressed and undressed lumber, sash, doors, blinds and other kinds of building material; it may own and operate all kinds of machinery, apparatus and equipment necessary and suitable for the manufacture of brick and the mining and dressing of all kinds of stone and other building material, and it may maintain and operate shops, machinery and apparatus and appliances for the repair and manufacture of all kinds of railroad machinery or rolling stock. It shall have full right, power and authority to locate, construct, equip, maintain and operate tram roads; it may purchase, open up and operate farms and vineyards, and may use real estate owned by it for collateral or other purposes, and the said corporation shall have a right to sell and deal in all products or materials as may by its operation aforesaid be produced.

Exclusive rights.

Sec. 12. The said corporation shall have the exclusive right to carry and transport passengers and freight and express over and along its road and its branch roads as is herein authorized, and upon all ferry boats, steamers, vessels and other means of transportation running in connection with said roads and its branch roads, at such rates as said company may prescribe, subject to such general laws regulating the same as the General Assembly of North Carolina may from time to time make and establish, and it shall have the right to transport all manner of goods as expressed and to make charges and to collect for the same, and to transport the United States mail, and to make and collect all charges for the same.

Rates.

Power to issue bonds.

Sec. 13. That the said corporation shall have the power to issue, negotiate and sell its bonds, either coupon or registered, for the construction, management or operation of its road or roads, or for construction, maintenance, management and operation of any business allowed under this act to any amount that it may be necessary, and to secure the payment of both principal and interest of the same by one or more mortgages or deeds of trust conveying its franchises, road-beds, rolling stock, right-of-way, and any and all other property or rights of any kind owned by the said company, or any part of its said corporate property

Mortgages or deeds of trust.

and franchises, on such terms and conditions as the majority in value of its stockholders may deem proper.

Counties, townships, cities or towns to subscribe to stock.

Sec. 14. That any of the counties of Lenior, Wayne, Jones, Duplin, Onslow, Pender, Sampson, Bladen, Columbus, Brunswick and New Hanover, and any township, city or town in any of the said counties along or near the line of the construction or proposed roads or branch lines of this corporation, may subscribe to the capital stock of the corporation in the following manner: Upon presentation of a petition in writing signed by not less than twenty-five per cent. of the qualified voters of the county, township, city or town to the board of commissioners of such county, in case it is a county or township for which the application is made, or the proper governing authority of such city or town, in case it is a city or town for which the application is made, requesting such governing body to submit to the qualified voters of the county, township, city or town where such petitioners may reside a proposition to subscribe a definite sum to be named in said petition to the capital stock of this corporation, the board of commissioners of said county, or proper authorities of said city or town, as the case may be, shall within thirty days after the said presentation of such petition order an election to be held in such county, township, city or town within sixty days after the making of such order, and submit to the qualified voters therein the question of subscribing to the capital stock of the said corporation the amount specified in said petition, or the amount determined and submitted to the voters by the board of commissioners or other proper authority, as the case may be, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those qualified to vote who are opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county, township, city or town officers, as the case may be, by the general election law of this State. Such election shall be held after thirty days' notice thereof specifying the amount and terms of the proposed subscription shall have been posted at the court-house door of said county and other polling places of said county, township, city or town where the said election shall take place and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town, as the case may be. If a majority of the qualified votes cast be for subscription, then the board of commissioners of said county or proper authorities of said city or town shall immediately make such subscription to the stock of the said corporation, and shall issue coupon bonds to the amount of said subscription in order

Method of making subscriptions.

Ballots.

Law governing election.

Notice of election.

Method of making subscriptions.

Bonds to be issued.

to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denominations of such sums and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate, or as the board of commissioners or other governing body of such county, township, city or town, as the case may be, shall determine. They shall be signed, if issued by a county or township, by the chairman of the board of county commissioners and by the clerk of said board of county commissioners, and, if issued by a city or town, by the mayor and one of the commissioners or aldermen of such city or town: *Provided, however*, that after such election has been held and such coupon bonds issued and duly signed by the chairman of the board of county commissioners and the clerk of said board of county commissioners, in case they are issued by a county or township, or by the mayor of the city or town and one of the commissioners or aldermen of such city or town, in case it is a city or town, as is herein provided, such signatures shall be conclusive evidence of the regularity of said election in all respects and the validity of said bonds.

Denominations and maturity. Interest.

Authentication.

Proviso: conclusive evidence of.

Special taxes for bonds and interest.

Sec. 15. The county authorities in said county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in any city or town voting for subscription, who are legally empowered to levy taxes, shall, in order to provide for payment of the bonds and interest thereon to be issued under the preceding section, compute and levy each year at the time of levying their taxes sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity, preserving in all such levy the constitutional equation of all taxation. The taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer of the county, when the subscription has been made by a county or township, and to the treasurer of the city or town when the subscription has been made by the city or town; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purposes for which levied or collected, and none other. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing said bonds, or in which there is a township issuing said bonds: *Provided*, that whenever possible the sinking fund shall be invested in the purchase of the identical bonds issued under this act at a price not exceeding the par value thereof. In the event that the property, rights and franchises, or any part thereof, of this company are hereafter

Collection of tax.

Payment of tax.

Specific appropriation.

Investments of sinking fund.

Transfer of subscription authorized.

acquired under the provisions of this act by any other corporation, the board of commissioners of said county making such subscription, or in which there is a township making such subscription, or the proper authorities of the city or town making such subscription, shall be and are hereby authorized and required to transfer such subscription to such company as the payee and beneficiary thereof, and such other company shall stand in the place and stead of this corporation and the same relation, privileges and immunities and rights shall exist between such other companies and such county, township, city or town so subscribing under the provisions of this act as did exist prior to such sale or transfer to such other company, as is provided for in this act.

Counties and townships incorporated.

Sec. 16. For the purposes of this act all of the said counties of Lenoir, Wayne, Jones, Duplin, Onslow, Pender, Sampson, Bladen, Columbus, Brunswick and New Hanover, and all of the townships in all of the said counties which may vote to subscribe to the capital stock of the said company as provided by this act, shall be and are hereby declared to be bodies politic and corporate and vested with the full power to subscribe as provided in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which said township is located are declared to be the corporate agents of said township so incorporated for the purpose of issuing bonds of such township and to provide the levy and collection of taxes on property and polls to pay the principal and interest on said bonds, and to provide for the sinking fund hereinbefore mentioned.

Corporate powers and rights.

County commissioners corporate agents.

Payments of subscription.

Sec. 17. That subscription to the capital stock of said corporation may be made and paid in money, lands, materials, machinery and all kinds of property which may be used in the operation of the business or businesses or work herein mentioned, or services, or in bonds, stocks, rights, easements, equities and choses in action and privileges for the benefit of effectuating the purposes mentioned herein, or other valuable credits in such manner and on such terms as may be agreed upon by the directors of said corporation. The said directors shall have the power and authority to require from the stockholders such payments on their respective shares from time to time as the necessity and wants of the corporation may demand, in the discretion of said board of directors, until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of

Enforcement of payment.

him to pay by the directors as herein mentioned within one month, unless the directors shall allow a longer time, and in that event such time as the directors shall allow after the same shall have been required of him, if payable in money, and within such time as may be named and allowed by the directors, of which notice shall have been given him, if payable in services or otherwise, it shall be lawful for the directors or any one authorized by them to sell at public auction and deliver and transfer to the purchaser the share or shares of such stockholder so failing or refusing to pay, after first giving notice for at least four consecutive weeks of the time and place of said sale in one or more newspapers published in this State; and after retaining the sum due upon such share or shares of stock and all charges of the sale and of the advertisement thereof out of the proceeds thereof, the directors shall pay the surplus over to the delinquent owner, or his local representatives; and if the said stock shall not bring at such sale the sum required to be advanced together with the incidental charges attending the said sale and the advertisement thereof, then the said corporation may recover the balance up to the unpaid amount of the original subscription for the said stock and sufficient amount to cover the cost and charges of said sale and its advertisement, of the original subscriber or his executor or administrator, or of his assignee, or either of them or both of them at the option of the said corporation acting through its directors, by a civil action in any court having jurisdiction thereof, and any purchaser of stock in such sale shall be subject to the same rules and regulations as the original subscriber, owner or proprietor.

Power to purchase franchise and property of other railroads.

Sec. 18. That the said corporation shall have the right and power to purchase, acquire and hold all of the property, rights, equities and franchises of any other railroad corporation or other corporation, and with full power and authority to sell such property, rights, equities and franchises so purchased, acquired or held upon such terms as the majority in value of the stockholders of said corporation shall determine. And the said corporation shall have the power and authority to sell, transfer and convey to any other railroad corporation or other corporation all or any part of its own property, rights, equities or franchises upon such terms as the majority in value of the stockholders may determine. The said corporation shall have the right and power to consolidate with any other railroad or transportation company or other corporation organized or doing business under the laws of this State on such terms and conditions as may be agreed upon by and between the stockholders of this and any other such company, and such agreement as to this corporation to be determined upon by a majority in value of the stockholders thereof, and the said corporation may lease or sell its road or any part of the same, or any other part of its

Power to sell to other corporations.

Power of consolidation.

property, rights, equities or franchises to any other person, persons or corporations upon such terms and conditions as the majority in value of the stockholders may determine. In event of such consolidation all of the rights, powers, privileges, immunities and franchises of each corporation shall pass to and vest in the consolidated company resulting; in the event of a consolidation with any corporation upon whose property there shall be an encumbrance, such encumbrance shall be continued only upon the identical property it covered before the consolidation.

Power to borrow money.

Sec. 19. That said corporation shall have the power and authority to borrow money or other notes of value upon such terms and for such consideration as the board of directors may determine, and to issue its notes, bonds and other evidences of indebtedness from time to time, as said directors may deem proper, and to secure such indebtedness by mortgages or deeds of trust on its property, whether then owned or thereafter to be acquired, and its franchises in whole or any part, and such mortgages and deeds of trust so authorized shall be executed in the same manner as is prescribed by the general law.

Mortgages or deeds of trust.

Further general powers.

Sec. 20. That said corporation shall have the power and authority to do all and anything necessary, suitable or proper for the accomplishment of all or any of the purposes or attainment of any or all of the objects and powers herein enumerated, or which shall at any time appear to the stockholders conducive, expedient or proper for the protection or benefit of the said corporation.

Stockholders not individually liable.

Sec. 21. That the stockholders of the said corporation, whether private citizens or other corporations, public, private or municipal, shall not be individually liable for the debts, defaults or liabilities of the said corporation beyond the amount of their unpaid individual subscriptions to its capital stock.

Term of corporation.

Sec. 22. That the corporate existence of the corporation hereby chartered shall continue perpetually from and after the date of the ratification of this act.

Organization.

Sec. 23. That the persons named in section one of this act and their associates, successors or assigns shall have the right and privilege to organize under this charter at any time within two years from the date of the ratification of this act, and such organization hereunder shall be deemed and held to be a full and binding acceptance of the provisions of this charter in full.

Sec. 24. That all laws and clauses of law in conflict with this act are hereby to the extent of such conflict repealed.

Sec. 25. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 451.

AN ACT TO ESTABLISH A PUBLIC SCHOOL DISTRICT IN GASTON COUNTY AND TO PROVIDE FOR AN ELECTION UPON THE QUESTION OF LEVYING A SPECIAL TAX THEREIN.

The General Assembly of North Carolina do enact:

Public school district created.

Boundaries.

Section 1. That a public school district is hereby created out of that portion of Crowders Mountain Township, in Gaston County, contained in the following boundaries: Beginning at the point in the public road leading from Cherryville to King's Mountain where the corporate line of said town of King's Mountain crosses said public road, and runs thence with said public road to a point in the same between C. E. Neisler and J. M. Williams, thence along their land line to the Southern Railway track; thence with said Railway track to the head of Parker's Branch; thence down said Parker's Branch to the point where it intersects the corporate line of the town of Kings Mountain; thence in a northerly direction to the northeast corner of Reuben Keller's lot; thence in a westerly direction to the northwest corner of B. L. Ingle's lot, known as the Raney House lot; thence with the public road leading from Cherryville to Kings Mountain to the beginning.

Appointment of school committee.

Sec. 2. That the County Board of Education of Gaston County shall appoint a school committee for said public school district, as prescribed by the general school law of this State.

Apportionment of funds.

Sec. 3. That the Board of Education of Gaston County shall apportion to said district its proper share of the public school funds of said county, as is now or may hereafter be prescribed by the public school laws of the State.

Government of district.

Sec. 4. That, subject to the provisions of this act, said public school district shall be governed by the same laws, rules and regulations as other public school districts in said county.

School taxes.

Sec. 5. That no school taxes shall hereafter be levied against or collected from persons or property within said public school district by the town of Kings Mountain, nor any county, town or district, except by the county of Gaston.

Election on special school tax ordered.

Tax rate.

Tickets.

Sec. 6. That an election is hereby called and ordered to be held in said public school district on the fourth day of May, one thousand nine hundred and seven, at Dilling Cotton Mills office, to be held in accordance with the law governing such elections, as to whether a special school tax of not exceeding fifteen cents on the one hundred dollars' worth of property and forty-five cents on the poll shall be levied to supplement the school fund in said district, and to be used for that purpose alone. All persons qualified to vote in said district who favor the levy of said special tax shall

vote a ticket with the words "For Special Tax" printed or written upon it; and all persons qualified to vote in said district who oppose the levy of said tax shall vote a ticket with the words "Against Special Tax" printed or written upon it. If a majority of the qualified voters in said district at such election shall vote "For Special Tax," then said tax shall be levied annually by the Board of County Commissioners of Gaston County, and the same shall be collected as other taxes and paid over to the treasurer of the school fund of said county for the benefit of said school district.

New registration.

Sec. 7. That a new registration of the voters shall be required and had in said district.

Registrar and judges of election.

Sec. 8. That the following named persons are hereby appointed to conduct and hold the election: Registrar, James L. Mauney; Judges, J. M. Williams and J. D. Payne.

Registration.

Law governing election.

Sec. 9. The registration books shall be opened and kept open in the manner and for the time prescribed by the general election laws of this State, and the election shall be held and conducted in accordance with such general laws, as nearly as is practicable, and the returns thereof made and canvassed and the result declared in the manner provided by law for elections of like kind.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 452.

AN ACT TO INCORPORATE THE VIRGINIA-CAROLINA POWER COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That W. R. Bonsal, W. C. Riddick and S. O. Bauersfeld and their associates and successors be and they are hereby declared a body corporate, under the name of the Virginia-Carolina Power Company, and by that name or any alteration or amendment thereof, may sue and be sued, shall have the power of perpetual succession, the power to make any and all kinds of contracts, to have and use a common seal and the same to alter at their pleasure, to receive, purchase, hold, improve, mortgage, convey, transfer and sell all kinds of property, both real and personal, goods, wares and merchandise, make and establish all such by-laws and regulations as shall be found meet and expedient for the government of the said corporation and the management of its business and property, not inconsistent with the Constitution

Corporate name.

Corporate powers.

and laws of the State of North Carolina or the United States, and to do all lawful acts and things and to exercise all lawful franchises, rights, powers and privileges incident to corporations under the laws of this State.

Principal office.

Sec. 2. The principal office of the said corporation shall be in the town of Weldon, North Carolina, where the first meeting of the incorporators for the purpose of organizing the said corporation shall be held, but the said corporators and the stockholders of the said company shall have the right and power to change the principal place of business of the said company to some other point or place in the said State, and also to establish other places of business and branch offices in said State, and in any other State or States.

Right to change principal office.

Branch offices.

Objects of incorporation.

Sec. 3. That the objects for which said Virginia-Carolina Power Company is formed are to build and maintain a dam or dams across the Roanoke River in the State of North Carolina, between Gaston Ferry and the Virginia line, and also on any other rivers and at any other places in said State or in other States, for the purpose of utilizing the water-power thereof, and to build and maintain and operate electric and other power plants, bridges and ferries, cotton mills, cotton gins, paper mills, pulp mills and all other kinds of mills or factories, canals, aqueducts, water ways, waste ways, wells and reservoirs needful for the mills, factories and other places of business, to make and sell power, light, heat, gas, electricity, and goods and products of every kind and material, also to establish settlements or towns, and to supply to the public, including individuals and corporations, in towns thus established, or in other municipalities within the State of North Carolina or elsewhere, water for domestic or manufacturing purposes, power in the form of electrical current, pneumatic or steam pressure or any of the said forms, or in any or all other forms for use in driving machinery and for light, heat or other uses for which the power so applied can be made applicable, and to fix, charge, collect and receive payment therefor; and for the purpose of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate from any place or places in the State where the said company may establish plants to any distributing points in the State where it may elect, and from the same to any other points, by the most practicable routes, to be determined by the board of directors of the company, lines for the transmission of power by wire on poles or underground, by cables, pipes, tubes, conduits and all other convenient appliances for power transmission, with such connecting lines between the lines above mentioned, and also with such branch lines as the directors of the company may

Enumeration of powers.

locate or authorize to be located, for receiving, transmitting and distributing power, and as appurtenances to the said lines of power transmission and their branches the company may acquire, own, hold, sell or otherwise dispose of water-powers and water privileges in the State of North Carolina and elsewhere, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, reservoirs, gates, bridges, tunnels, station and other buildings, boilers, engines, machinery, switches, lamps, motors and all other works, structures and appliances, in the State of North Carolina, and also the power to build, own, control and operate electric railway lines for the transportation of freight and passengers, and to charge, collect and receive toll therefor, and may own, rent, lease, or sell power for any other uses to which electricity, steam or water-power can be applied.

Appurtenant powers.

Electric railway lines.

Sec. 4. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon all lands or water for the purpose of exploring or surveying public or *quasi* public works of said company and locating the same, doing no unnecessary damage to private property; and when the location of said works shall have been determined upon and a survey of the same deposited in the office of the Clerk of the Superior Court of the county wherein said works are located, then it shall be lawful for the said company, by the officers, agents, engineers, superintendents, contractors and others in its employ, to enter upon, take possession of, have, hold, use and locate on any such lands, and to erect all the structures necessary and suitable for the completion or repairing of said works, subject to such compensation as is hereafter provided: *Provided*, always, that payment or tender of payment of all demands for the occupancy of all lands upon which the said works may be laid out be made before the said company shall enter upon or break ground upon the premises, except for surveying or locating said works, unless the consent of the owners be first had and obtained: and, *Provided further*, that such locating of its works and filing of its surveys in the office of said Clerk of Superior Court shall not preclude said company from making from time to time other location of works, and filing surveys of the same as its business or development requires.

Entry on lands for surveys.

Enter upon lands for occupancy.

Proviso: payment or tender of payment before entrance.

Proviso: company not precluded.

Sec. 5. The said corporation, for the purpose of acquiring lands or water rights which would be damaged by reason of the erection of a dam or dams as aforesaid, and for the various other purposes set forth in these articles of incorporation, shall have power to condemn land, water rights or any easement or interest therein, and the proceedings for the condemnation of such lands,

Power to condemn property.

Proceedings.

water rights or any easement or interest therein, shall either be as prescribed in chapter sixty-one, Revisal of one thousand nine hundred and five, and the laws amendatory thereof, or the said corporation may file a petition before the Clerk of the Superior Court of the county wherein the land or water rights lie, specifying the objects for which the land or water rights are desired, with a description thereof; the Clerk of the Superior Court shall thereupon issue a summons or notice to the owner of said land or water rights returnable to a day certain, and after ten days' notice and after a hearing, shall make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damage of the land, water rights or other easement or interest therein desired. In assessing the damages, the jurors or appraisers shall take into consideration the actual value of the land, water rights or other interests desired, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto. If the petition shall pray for a condemnation of the right-of-way only, the consideration or damages allowed shall be for the said easement only, but if for lands or water rights the consideration or damages shall be for the fee; the appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises; said report shall be recorded in the office of the register of deeds, after approval by the clerk, and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court, in term-time, from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk: *Provided*, that lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed, when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities respectively thereof shall upon application from the company prescribe: *Provided*, that the said Virginia-Carolina Power Company shall not be allowed to condemn any of the lands covered by the options already given to the Northampton Electric and Water-power Company, at a lower price than the prices agreed upon in said options.

Appeal.

Proviso: liens on streets or highways.

Proviso: lands excepted.

Power to construct and maintain roads.

Telegraph and telephone lines.

Sec. 6. That said corporation shall likewise have the right, power and authority to lay out, build, construct, maintain and equip with suitable rolling or other stock and operate such roads, whether steam or electric railway, plank or turnpike, and to erect, establish, maintain and operate such telegraph and telephone lines and apparatus as may be necessary, and shall likewise have the right, power and franchise to charge such tolls, fares, fees and

compensation as are reasonable for the use, service or travel over such roads, turnpikes, bridges, canals, telegraph or telephone lines as it may erect, construct and operate: *Provided*, that nothing herein contained shall be construed so as to authorize the condemnation of water-powers already developed.

Proviso: developed water-power not to be condemned.

Sec. 7. The said corporation, its successors and assigns are also authorized and empowered to buy and own stock in other corporations, to lease or deal in or otherwise acquire lands, tenements, hereditaments and all other manner of real and personal property, including cotton mills, factories, office buildings, houses, water-powers, mineral rights, roads, bridges, electric railways and all kinds of real property or personal property whatsoever, to such an extent as may seem proper, and as fully as citizens of the State may do, and may sell and convey or lease the same to other persons or corporations, and said corporation is authorized to pay for such real estate or any other property as it may purchase or acquire, by issuing bonds and executing mortgages to secure the payment thereof.

Power to deal in property.

Sec. 8. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper, for any of the purposes of the company, and may secure the payment of the said bonds by mortgages or deeds of trust upon all or any portion of the property, real, personal or mixed, its contracts and privileges, and its charter rights and franchises, or in any other manner a majority of the directors may see fit; and it may, as the business of the company shall require, sell, lease, convey and encumber the same.

Power to borrow money and issue bonds.

Mortgages or deeds of trust.

Sec. 9. The capital stock of the said corporation shall be two hundred and fifty thousand dollars, divided into twenty-five hundred shares of the par value of one hundred dollars ($100) each, and every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock, whether common or preferred, registered in his name. The stockholders of said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper or expedient.

Capital stock.

Stock vote.

By-laws, rules and regulations.

Sec. 10. The board of directors shall be composed of stockholders of said company, and shall consist of such members as the stockholders may prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company shall direct, and shall continue in office for the term of one year from and after the date of its election, and until its successors are elected and accept the duties of office; and it shall choose one of its number president, and shall elect such other officers as it may deem expedient. In case of death, resignation or incapacity of

Board of directors.

Election.

Term.

President and other officers.

Vacancies.

any member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

When organization to be made.

Sec. 11. The said incorporators shall have power to organize the said company and commence business when the one hundred and twenty-five thousand dollars ($125,000) of the said stock shall have been subscribed, and the stockholders of the said company shall have the power from time to time by a majority vote of the same to increase the capital stock of the said corporation to any amount, not exceeding four million dollars ($4,000,000) in all, divided into preferred and common stock in such proportions as to them shall seem best; and whenever any increase of said stock is desired by said corporation over and above the sum of two hundred and fifty thousand dollars ($250,000), the said corporation shall make application to the Secretary of State for the increase desired, and upon payment to the said Secretary of State of the taxes provided for increase of capital stock under general law for said increase, he shall issue to the said corporation a certificate, under his seal of office, authorizing the amount of increase of the capital stock by the said corporation, and after such certificate of the Secretary of State is issued, the said corporation shall have full power to increase its capital stock in the amount set forth in such certificate:

Increase of capital.

Proviso: rights of Northampton Electric and Water-power Company not affected.

Provided, that the rights acquired under this charter shall in no manner interfere with any of the rights acquired under the charter entitled an act to incorporate the Northampton Electric and Water-power Company, enacted by the General Assembly of North Carolina at its session of one thousand eight hundred and ninety-nine, and contained in the Private Laws of North Carolina, one thousand eight hundred and ninety-nine, chapter two hundred and forty-nine.

Sec. 12. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 453.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF ELIZABETH CITY TO ISSUE BONDS AND LEVY A TAX FOR BETTER EDUCATIONAL FACILITIES.

Preamble.

Whereas, the State of North Carolina is about to establish a training school for teachers to be known as the East Carolin Teachers' Training School; and, whereas, said school is to be located in that town or community in East Carolina offering the largest financial aid, provided said town is a suitable location

for the same, according to the terms of the act creating the same; and, whereas, the people of Elizabeth City are desirous of securing the location of said school in or near the said town of Elizabeth City: now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the Town of Elizabeth City be and it is hereby authorized and empowered to issue bonds to an amount not to exceed thirty thousand dollars, payable at such place as it may designate. Said bonds shall be due and payable as follows: One-fifteenth thereof payable twenty years from date, one-fifteenth thereof payable twenty-one years from date, one-fifteenth thereof payable twenty-two years from date and so on, one-fifteenth each year thereafter until the whole amount issued shall become due and payable. Bond issue authorized. Limit. Term of bonds.

Sec. 2. That said bonds shall be issued in such denominations as said board of aldermen may see fit, not less than five hundred dollars and not more than one thousand dollars, and shall be sold at not less than their par value and shall bear interest at five per cent. per annum, payable semi-annually from the date of issue of said bonds. Denominations. Not to be sold below par. Interest.

Sec. 3. That the proceeds of said bonds shall be used for no other purpose than that mentioned in this act. Specific appropriation.

Sec. 4. That to provide for the payment of said bonds and the interest thereon the said board of aldermen is hereby authorized to levy a special tax not to exceed twenty-five cents on the one hundred dollars valuation and not to exceed seventy-five cents on the poll. That proceeds of said levy shall constitute a fund for payment of said bonds and interest thereon, and shall be used for no other purpose. Special tax authorized. Tax limit. Specific appropriation.

Sec. 5. That the proceeds of said bonds shall be used in securing the location of said school in or near the town of Elizabeth City in accordance with the terms of the act creating said school. And for carrying out this provision the said proceeds shall be turned over by said Board of Aldermen or Treasurer of Elizabeth City to the trustees of said school, to be used by them in the purchasing of a site and erecting and equipping such buildings as they may deem necessary. Appropriation of proceeds of bonds.

Sec. 6. That at any time after the passage of this act, the said board of aldermen may order an election to be held in the said town of Elizabeth City on a day to be designated by them. That said election shall be held under the same rules and regulations governing the holding of municipal elections in Elizabeth City. Those qualified voters approving the provisions of this act shall vote a ballot on which shall be printed the word "Issue," and those opposed to the provisions herein shall vote a ballot on which shall be printed the words "No Issue." Election to be ordered. Law governing election. Ballots.

Power to issue bonds.

Sec. 7. If it shall appear from the returns of said election that a majority of the qualified voters of said town have voted "Issue," then said board of aldermen shall have the power to issue said bonds; but if it shall appear from the returns of said election otherwise, then the said board of aldermen shall not issue said bonds.

Offer to State Board of Education.

Sec. 8. That said board of aldermen may offer to the State Board of Education, in accordance with the terms of the act creating the school herein referred to, such amount not to exceed the said amount of thirty thousand dollars at any time before or after the approval of the qualified voters of the town of Elizabeth City at the election above provided for, and that if said State Board of Education shall accept the offer of said board of aldermen, and agree to locate the said school in or near the town of Elizabeth City, then the said board of aldermen shall issue said bonds or so much thereof as was embraced in its offer: *Provided*, that in no case shall said bonds be issued until approved by a majority vote of the qualified voters as herein provided. But if said State Board of Education shall not agree to locate said school in or near the town of Elizabeth City as herein provided, then in no case shall the said board of aldermen have the power to issue the same.

Proviso: bonds not to issue until approved by vote.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 454.

AN ACT TO AMEND CHAPTER 55 OF THE PRIVATE LAWS OF 1893, RELATING TO THE CHARTER OF THE TOWN OF HAMPTON, IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter fifty-five of the Private Laws of one thousand eight hundred and ninety-three be and the same is hereby amended as follows, to-wit: Strike out all of said section after the word "shall," in line one of said section, and insert in lieu thereof the following: "be as follows, to-wit:

Corporate limits.

Beginning at a stake in the middle of the Southern Railway track where Green Street crosses same, so as to include the Fry-Walker Lumber Company's woodworking plant; thence in a southern or southwestern direction with the northwest side of said Green Street 150 yards to a stake in the side of said street; thence north or northwest, parallel with the railroad track of the Southern Railway to a point in which this line will strike

or intersect with the present limits of the town of Hampton, which is one-fourth of a mile in all directions from the present Southern Railway depot at the station of Rutherfordton; thence west or northwest so as to strike a point on the present road leading from Rutherfordton to the said Southern Railway depot [track] at a point one-fourth of a mile distant from said depot; thence parallel with said Southern Railway track or road-bed to a point one-fourth of a mile from said Southern Railway track or road-bed opposite a stake erected on said Southern Railway track or road-bed at a point five hundred and eighty-six yards northwest of said Southern Railway depot at Rutherfordton station; thence crossing said Southern Railway track or road-bed at right angles at said stake 586 yards distant from said Rutherfordton depot to a stake one-fourth of a mile from said Southern Railway track or depot; thence in an eastern direction a straight line to a stake one-third of a mile northeast of said Southern Railway track and directly opposite the beginning, so as to include the new church and school-house recently erected; thence to the beginning in the centre of the said Southern Railway track."

Officers.

Sec. 2. That section four of chapter fifty-five of the Private Laws of one thousand eight hundred and ninety-three be stricken out and the following inserted in lieu thereof, towit: "That until their successors are elected and qualified the following named persons shall fill the offices mentioned, viz.: Mayor, D. R. Stinson; Commissioners, J. W. Hampton, A. D. K. Wallace and E. H. Walker; Marshal, J. C. Hampton; and in the event of the failure to elect by the qualified voters of said town on the regular election day in May, one thousand nine hundred and seven, then the said mayor, commissioners and marshal shall hold their offices until their successors are elected and qualified."

Draymen and liverymen not to be taxed.

Sec. 3. That the mayor and commissioners of said town of Hampton shall not by any ordinance, regulation or otherwise tax any liveryman or drayman doing business in said town of Hampton, and said mayor and commissioners of the said town of Hampton shall make proper provisions to maintain a good public road from the depot in said town of Hampton to the corporate limits of the town of Rutherfordton.

Road to be maintained.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 455.

AN ACT TO AMEND CHAPTER 16 OF THE PRIVATE LAWS OF 1889, FOR THE PURPOSE OF EXTENDING THE CORPORATE LIMITS OF THE TOWN OF LIBERTY, IN RANDOLPH COUNTY, AND TO INCREASE THE TAX RATE OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter sixteen of the Private Laws of one thousand eight hundred and eighty-nine be and the same is hereby amended as follows: Strike out all of said section after the word "Beginning," in line two, and substitute therefor the following: "Beginning at a stone in L. Wright's orchard, running thence with Ashboro Street 181 rods to Brower Street; thence west to C. R. Curtis' line; thence in a northerly direction to a stone in Bowman Street, H. L. Smith, Jr.'s corner; thence north 600 feet to a stone; thence east to the original line of the corporate limits of the town of Liberty; thence with the original line north to the original corner of the corporate limits of said town; thence east 74 rods to a stone; thence south 206 rods to a stone; thence east 36 rods to a stone; thence south 50 rods to a stone; thence east to the northeast corner of A. L. McPherson's lot; thence south with the McPherson line to the southeast corner of said A. L. McPherson's said lot; thence in a southwest direction to a stone in the right-of-way of the Atlantic and Yadkin Railway Company's track."

Boundaries.

Sec. 2. Strike out the words "sixteen and two-thirds," in line four of section five of chapter sixteen of the Private Laws of one thousand eight hundred and eighty-nine, and write in lieu thereof the word "fifty," and strike out the word "fifty," in line five of said section, and write in lieu thereof the words "one dollar and fifty."

Tax rate.

Sec. 3. That the provisions of this act shall be submitted to a vote of the qualified voters of the above described territory of Liberty at the next election held in said town for the purpose of electing municipal officers for said town, under the rules and regulations prescribed for the election of members of the board of commissioners of said town. The town commissioners shall cause a notice of said election and of the purpose of the same to be posted at four public places in said town for thirty days before said election. All qualified voters wishing to vote in favor of the extension and increase of tax rate provided for in sections one and two of this act shall vote a written or printed ticket with the word "Approved," and those wishing to vote against such extension and tax levy shall vote a written or printed ticket with the word "Disapproved." If a majority of such voters shall vote "Approved," it shall be deemed and held that a majority

Act to be submitted to vote.

Notice of election.

Tickets.

of the qualified voters of the town of Liberty are in favor of the extension and increase of tax rate above mentioned, and in such case this act shall remain in full force and effect. But if a majority shall vote "Disapproved," this act shall be null and void.

Sec. 4. That this act shall be in full force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 456.

AN ACT TO CHANGE THE BOUNDARY LINE OF SANDY RIDGE SCHOOL DISTRICT, IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter six hundred and ninety-nine of the Public Laws of one thousand nine hundred and five be and the same is hereby amended by striking out all the words between the word "land," in line twelve and the word "thence," in line seventeen, in section one, and inserting in lieu thereof words as follows: "Thence to and including John W. McCain's plantation; thence to and including Ned Richardson's plantation; thence to H. W. Laney's place; thence to and including Lathan Brantley's plantation." Line established.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 457.

AN ACT TO ESTABLISH THE ZEBULON GRADED SCHOOL DISTRICT, IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the territory lying and being in the following boundaries in Wake County be and the same is hereby created and established a special school district to be known as Zebulon Graded School District, to-wit: Beginning at a point on Little River below Knight's Mill, where the line between the lands of W. H. Chamblee and the Dennis Simmons Lumber Company intersects with the said river; thence along said Chamblee's and Dennis Simmons Lumber Company's line to where the Chamblee line intersects with line of G. M. Bell; thence along said Bell's line to the northern boundary of the town of Zebulon; School district created. Boundaries.

thence along said town line to where it intersects with the line of J. M. Whitley; thence along Whitley's line northeast to the line of Mrs. F. T. Whitley; thence along Mrs. Whitley's line to Little Creek; thence down said creek to the Johnston County line; thence with the Johnston County line to where the said Johnston County line intersects with Little River; thence up said river to the beginning.

Trustees and terms of office.

Sec. 2. That the following parties are hereby appointed school trustees for the said Zebulon Graded School District, and shall hold office for the following terms, and all vacancies shall be filled in the following manner, to-wit: J. M. Whitley and W. S. Horton for two years, Thomas Chamblee for four years, and R. V. Horton and S. C. Chamblee for six years, and the term of office of each of said trustees shall commence at the date of the ratification of this act.

Vacancies.

All vacancies in said board, whether arising from death, removal, resignation or expiration of the term of office, shall be filled by the remaining trustees, and the majority thereof shall have the power of selection, and the persons so selected shall hold office for three years from the date of their selection.

Corporate powers.

The said board of trustees may sue and be sued, plead and be impleaded in all the courts of this State and the United States, have a common seal, make all by-laws and regulations necessary or requisite, purchase, sell and convey, lease, let and control all school property in said district, real and personal,

Further powers.

proper and requisite for their corporate purposes, have power to employ or dismiss all officers or teachers of said school and regulate their salaries, elect one of their number chairman and another secretary and treasurer, and do and perform all acts proper and necessary for the best advantage of said school.

Establishment of graded school to be voted on.

Sec. 3. That the said board of trustees shall on Tuesday after the first Monday in May, one thousand nine hundred and seven, submit to the qualified voters of said district above created the

Notice of election.

question of establishing a graded school in said district. The said trustees shall give thirty days' notice of said election by notice thereof published in some newspaper published in Wake County, and by notice posted at at least four public places in

Registrar and poll-holders.

said district. The said board of trustees shall select three men, qualified voters of said district, one of whom it shall appoint a registrar and the other two poll-holders, to hold said election,

Law governing elections.

and these three shall hold said election, and shall be governed in their acts in all particulars as to registration of voters, challenges, etc., by the same rules and regulations as prevail in the

Tickets.

election of county officers, and the qualified voters of said district shall vote in said election tickets on which shall be written or printed "For Graded School" or "Against Graded School," and the result of the election shall be declared by the same rules that govern the elections of county officers. Said election shall be held at the school-house located in the town of Zebulon.

Special tax. Sec. 4. That if the majority of said qualified voters of said district shall vote at said election in favor of graded schools, it shall be the duty of the Board of County Commissioners of Wake County to levy annually a special tax of not more than thirty-three and a third cents on the hundred dollars valuation Tax limit. of all the taxable property of said school district, real or personal, and upon the poll not more than one dollar, and the said tax so levied shall be collected by the Sheriff of Wake County, and shall be paid over to the treasurer of the said school trustees, and the sheriff shall receive not exceeding five per cent. commission for collecting and disbursing the said fund.

Apportionment from general fund. Sec. 5. That the Zebulon Graded School District herein created and established shall receive its pro rata share of the public school fund from the county of Wake according to the number of children of school age entitled to the same living in the bounds of the said graded school district, and in making this apportionment due regard shall be had to the grade of work done and the course of study or studies taught.

Sec. 6. All laws and clauses of laws in conflict with this act, either directly or indirectly, are hereby repealed.

Sec. 7. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 458.

AN ACT TO INCORPORATE THE KINSTON AND CAROLINA RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators. Section 1. That W. W. Mills, G. D. B. Parker, George Turner, Charles H. Foy, B. H. Ellington, O. W. Quinn and R. C. Guy and such other persons as may hereafter become associated with them as stockholders, their successors and assigns, be and they are hereby created and declared a body politic and corporate under the laws of the State of North Carolina under and by the name of the Kinston and Carolina Railroad Company, and by such Corporate name. name may sue and be sued, plead and be impleaded, contract Corporate powers. and be contracted with, adopt a common seal and change the same at will, make, use, change and adopt by-laws, and shall have and enjoy all the rights, powers and privileges that are granted to railways and other corporations by the general laws of this State, as well as the common law, and shall enjoy all rights and privileges necessary for the purpose of this act.

Officers. Sec. 2. That the said corporation shall have a president, vice-president or vice-presidents, secretary and a treasurer and such other officers as the by-laws from time to time may prescribe.

Matters to be prescribed in by-laws.

Sec. 3. That the duties of the officers and directors of the corporation, the number of directors, the manner of the election of each officer and director and the mode of filling vacancies in each shall be as prescribed in the by-laws.

Capital stock.

Sec. 4. The capital stock of the corporation shall be one hundred thousand dollars, divided into one thousand shares of the par

Increase of capital.

value of one hundred dollars each, but said capital stock may from time to time be increased to such an amount as a majority in value of the stockholders shall determine, upon the payment of fees prescribed by law; such increased amount to be likewise divided into shares of the par value of one hundred dollars each.

Preferred and common stock.

Said capital stock may be divided into preferred and common shares in such proportion and with such privileges, qualities and characteristics as the majority in value of the stockholders may

Business to begin.

determine. Said corporation may begin business when fifty thousand dollars of its capital stock has been subscribed for.

Power to construct, maintain and operate railroad.

Sec. 5. That the said corporation shall have the right and power to construct, maintain and operate a line or lines of rail-

Termini and route.

road from any point in Lenoir County to any point in New Hanover County, or from any point or points on the Norfolk and Southern Railroad between Goldsboro and Morehead City to any point on the Atlantic Coast Line Railroad between the cities of Goldsboro and Wilmington, and for that purpose is empowered to pass through any portions of the county of Lenoir, Wayne, Jones, Duplin, Onslow, Pender, Sampson, Bladen, Columbus, Brunswick and New Hanover as it may desire, and along all of said routes the said company shall have the right and is empowered to locate, construct, equip, maintain and operate a railroad or railroads, or any part thereof, with one or more tracks, either narrow or

Power to acquire land.

standard gauge, and to that end shall have the right to acquire by purchase, gift or condemnation such lands as may be necessary for the purpose of its rights-of-way, freight houses, warehouses, depots and any other purpose, and in the operation of said railroad or railroads the said company shall have the right to use such motive power as it may desire.

Lateral and branch lines.

Sec. 6. That the said corporation shall have the right to construct, maintain and operate said lateral and branch lines in

Incidental powers.

the counties named in this act as it may desire, and for these purposes it shall have the power to construct dams, culverts, trestles and bridges over or across streams, creeks, savannas, valleys and depressions. Said corporation is hereby authorized to construct, maintain and use bridges and trestles for the transportation of its cars across any river, creek or other body of water or depression in the line of its said railroad or railroads: *Provided*, that the said corporation shall provide suitable draws in its bridges over navigable streams, and shall otherwise observe all lawful regulations made by the State of North Carolina or the Federal authorities.

Water transportation.

Sec. 7. That the said corporation may own and operate, in connection with its said railroad or railroads or any of its branch lines, ferries and ferry boats, steamboats and other means of transportation by water for passengers and freight, and it is hereby empowered to build, maintain and operate telegraph and telephone lines on its right-of-way or any part thereof.

Telegraph and telephone lines.

Power to hold real estate.

Sec. 8. That said company shall be fully empowered to take by purchase or gift and to hold in fee simple, or in any other manner in which a natural person may hold real estate, any number of acres of land besides the amount that may be necessary for its rights-of-way, depots, warehouses, shops or other buildings or structures that may be necessary or convenient for its use.

Power to intersect or unite with other roads.

Sec. 9. The said corporation is authorized and fully empowered to cross, intersect or join or unite its railroads heretofore constructed, or hereafter to be constructed, at any point or points on its route or on its termini upon its own land or rights-of-way, or upon the right-of-way or land of any other such railroad or railroads, with the necessary or proper or convenient turnouts, sidings, switches and whatever else may be necessary or proper in the construction of its railroad or railroads, or other constructions or buildings necessary or convenient in the operation of the same; and to run over any part of any other railroad's right-of-way necessary or proper or convenient for its said line to be run in order to reach its freight depot or passenger depot, or to go to any other place necessary or convenient in its construction or extension in any city or town or village to or near which said railroad or railroads may run, and to cross any public road at any point that it may be necessary or convenient to do so, and is further authorized and empowered with all powers and privileges necessary, to reach any other point or points in its right-of-way, or in the counties in which by this act it is authorized to operate.

Power to cross public roads.

Power to condemn lands.

Width of right-of-way.

Sec. 10. That the said corporation shall have the right to condemn lands for the purpose of building and operating its road for rights-of-way, according to the existing law; the width of said rights-of-way to be determined by the corporation not to exceed two hundred feet. The said corporation is also authorized and empowered to take as much land as may be necessary for the proper construction, operation, security and maintenance of the said road or any of its depots, warehouses or other buildings or structures, making compensation therefor as provided by law, and full power and authority are also given to the president, directors and stockholders of the said corporation, and their agents, superintendents, engineers, employees and laborers and all others in their employ, to enter at all times upon any and all lands or water in the counties named in this act for the purpose of exploring or surveying or examining the said lands or water or any-

Power to enter upon land for surveys.

thing also thereon for the said corporation, and locating any line or other property of said corporation: *Provided*, that no unnecessary damage shall be done to private property by reason of the same.

Further powers.

Sec. 11. That the said corporation may subscribe to the capital stock of any other corporation now in existence or hereafter to be created in this State or elsewhere, and hold shares in the same; it may buy, sell, own, hold and deal in real estate, standing trees, lumber, lumbermen's materials and supplies, wood, coal and any and all other goods, wares and merchandise of any and all kinds; it may build, equip and operate saw mills, planing mills, stone mills, shingle mills, dry kilns, hotels, boarding houses, mills for the production and manufacture of dressed and undressed lumber, sash, doors, blinds and other kinds of building material; it may own and operate all kinds of machinery, apparatus and equipment necessary and suitable for the manufacture of brick and the mining and dressing of all kinds of stone and other building material, and it may maintain and operate shops, machinery and apparatus and appliances for the repair and manufacture of all kinds of railroad machinery or rolling stock. It shall have full right, power and authority to locate, construct, equip, maintain and operate tram roads; it may purchase, open up and operate farms and vineyards, and may use real estate owned by it for collateral or other purposes, and the said corporation shall have a right to sell and deal in all products or materials as may by its operation aforesaid be produced.

Exclusive rights.

Sec. 12. The said corporation shall have the exclusive right to carry and transport passengers and freight and express over and along its road and its branch roads as is herein authorized, and upon all ferry boats, steamers, vessels and other means of transportation running in connection with said roads and its

Rates.

branch roads, at such rates as said company may prescribe, subject to such general laws regulating the same as the General Assembly of North Carolina may from time to time make and establish, and it shall have the right to transport all manner of goods as expressed and to make charges and to collect for the same, and to transport the United States mail, and to make and collect all charges for the same.

Power to issue bonds.

Sec. 13. That the said corporation shall have the power to issue, negotiate and sell its bonds, either coupon or registered, for the construction, management or operation of its road or roads, or for construction, maintenance, management and operation of any business allowed under this act to any amount that

Mortgages or deeds of trust.

it may be necessary, and to secure the payment of both principal and interest of the same by one or more mortgages or deeds of trust conveying its franchises, road-beds, rolling stock, right-of-way, and any and all other property or rights of any kind owned by the said company, or any part of its said corporate property

and franchises, on such terms and conditions as the majority in value of its stockholders may deem proper.

Counties, townships, cities or towns to subscribe to stock.

Sec. 14. That any of the counties of Lenior, Wayne, Jones, Duplin, Onslow, Pender, Sampson, Bladen, Columbus, Brunswick and New Hanover, and any township, city or town in any of the said counties along or near the line of the construction or proposed roads or branch lines of this corporation, may subscribe to the capital stock of the corporation in the following manner:

Method of making subscriptions.

Upon presentation of a petition in writing signed by not less than twenty-five per cent. of the qualified voters of the county, township, city or town to the board of commissioners of such county, in case it is a county or township for which the application is made, or the proper governing authority of such city or town, in case it is a city or town for which the application is made, requesting such governing body to submit to the qualified voters of the county, township, city or town where such petitioners may reside a proposition to subscribe a definite sum to be named in said petition to the capital stock of this corporation, the board of commissioners of said county, or proper authorities of said city or town, as the case may be, shall within thirty days after the said presentation of such petition order an election to be held in such county, township, city or town within sixty days after the making of such order, and submit to the qualified voters therein the question of subscribing to the capital stock of the said corporation the amount specified in said petition, or the amount determined and submitted to the voters by the board of commissioners or other proper authority, as the case may be, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those qualified to vote who are opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county, township, city or town officers, as the case may be, by the general election law of this State. Such election shall be held after thirty days' notice thereof specifying the amount and terms of the proposed subscription shall have been posted at the court-house door of said county and other polling places of said county, township, city or town where the said election shall take place and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town, as the case may be. If a majority of the qualified votes cast be for subscription, then the board of commissioners of said county or proper authorities of said city or town shall immediately make such subscription to the stock of the said corporation, and shall issue coupon bonds to the amount of said subscription in order

Ballots.

Law governing election.

Notice of election.

Method of making subscriptions.

Bonds to be issued.

to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denominations of such sums and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate, or as the board of commissioners or other governing body of such county, township, city or town, as the case may be, shall determine. They shall be signed, if issued by a county or township, by the chairman of the board of county commissioners and by the clerk of said board of county commissioners, and, if issued by a city or town, by the mayor and one of the commissioners or aldermen of such city or town: *Provided, however*, that after such election has been held and such coupon bonds issued and duly signed by the chairman of the board of county commissioners and the clerk of said board of county commissioners, in case they are issued by a county or township, or by the mayor of the city or town and one of the commissioners or aldermen of such city or town, in case it is a city or town, as is herein provided, such signatures shall be conclusive evidence of the regularity of said election in all respects and the validity of said bonds.

Denominations and maturity. Interest.

Authentication.

Proviso: conclusive evidence of.

Special taxes for bonds and interest.

Sec. 15. The county authorities in said county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in any city or town voting for subscription, who are legally empowered to levy taxes, shall, in order to provide for payment of the bonds and interest thereon to be issued under the preceding section, compute and levy each year at the time of levying their taxes sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity, preserving in all such levy the constitutional equation of all taxation. The taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer of the county, when the subscription has been made by a county or township, and to the treasurer of the city or town when the subscription has been made by the city or town; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purposes for which levied or collected, and none other. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing said bonds, or in which there is a township issuing said bonds: *Provided*, that whenever possible the sinking fund shall be invested in the purchase of the identical bonds issued under this act at a price not exceeding the par value thereof. In the event that the property, rights and franchises, or any part thereof, of this company are hereafter

Collection of tax.

Payment of tax.

Specific appropriation.

Investments of sinking fund.

Transfer of subscription authorized.

acquired under the provisions of this act by any other corporation, the board of commissioners of said county making such subscription, or in which there is a township making such subscription, or the proper authorities of the city or town making such subscription, shall be and are hereby authorized and required to transfer such subscription to such company as the payee and beneficiary thereof, and such other company shall stand in the place and stead of this corporation and the same relation, privileges and immunities and rights shall exist between such other companies and such county, township, city or town so subscribing under the provisions of this act as did exist prior to such sale or transfer to such other company, as is provided for in this act.

Counties and townships incorporated.

Sec. 16. For the purposes of this act all of the said counties of Lenoir, Wayne, Jones, Duplin, Onslow, Pender, Sampson, Bladen, Columbus, Brunswick and New Hanover, and all of the townships in all of the said counties which may vote to subscribe to the capital stock of the said company as provided by this act, shall be and are hereby declared to be bodies politic and corporate and vested with the full power to subscribe as provided in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which said township is located are declared to be the corporate agents of said township so incorporated for the purpose of issuing bonds of such township and to provide the levy and collection of taxes on property and polls to pay the principal and interest on said bonds, and to provide for the sinking fund hereinbefore mentioned.

Corporate powers and rights.

County commissioners corporate agents.

Payments of subscription.

Sec. 17. That subscription to the capital stock of said corporation may be made and paid in money, lands, materials, machinery and all kinds of property which may be used in the operation of the business or businesses or work herein mentioned, or services, or in bonds, stocks, rights, easements, equities and choses in action and privileges for the benefit of effectuating the purposes mentioned herein, or other valuable credits in such manner and on such terms as may be agreed upon by the directors of said corporation. The said directors shall have the power and authority to require from the stockholders such payments on their respective shares from time to time as the necessity and wants of the corporation may demand, in the discretion of said board of directors, until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of

Enforcement of payment.

him to pay by the directors as herein mentioned within one month, unless the directors shall allow a longer time, and in that event such time as the directors shall allow after the same shall have been required of him, if payable in money, and within such time as may be named and allowed by the directors, of which notice shall have been given him, if payable in services or otherwise, it shall be lawful for the directors or any one authorized by them to sell at public auction and deliver and transfer to the purchaser the share or shares of such stockholder so failing or refusing to pay, after first giving notice for at least four consecutive weeks of the time and place of said sale in one or more newspapers published in this State; and after retaining the sum due upon such share or shares of stock and all charges of the sale and of the advertisement thereof out of the proceeds thereof, the directors shall pay the surplus over to the delinquent owner, or his local representatives; and if the said stock shall not bring at such sale the sum required to be advanced together with the incidental charges attending the said sale and the advertisement thereof, then the said corporation may recover the balance up to the unpaid amount of the original subscription for the said stock and sufficient amount to cover the cost and charges of said sale and its advertisement, of the original subscriber or his executor or administrator, or of his assignee, or either of them or both of them at the option of the said corporation acting through its directors, by a civil action in any court having jurisdiction thereof, and any purchaser of stock in such sale shall be subject to the same rules and regulations as the original subscriber, owner or proprietor.

Power to purchase franchise and property of other railroads.

Sec. 18. That the said corporation shall have the right and power to purchase, acquire and hold all of the property, rights, equities and franchises of any other railroad corporation or other corporation, and with full power and authority to sell such property, rights, equities and franchises so purchased, acquired or held upon such terms as the majority in value of the stockholders of said corporation shall determine. And the said corporation shall have the power and authority to sell, transfer and convey to any other railroad corporation or other corporation all or any part of its own property, rights, equities or franchises upon such terms as the majority in value of the stockholders may determine. The said corporation shall have the right and power to consolidate with any other railroad or transportation company or other corporation organized or doing business under the laws of this State on such terms and conditions as may be agreed upon by and between the stockholders of this and any other such company, and such agreement as to this corporation to be determined upon by a majority in value of the stockholders thereof, and the said corporation may lease or sell its road or any part of the same, or any other part of its

Power to sell to other corporations.

Power of consolidation.

property, rights, equities or franchises to any other person, persons or corporations upon such terms and conditions as the majority in value of the stockholders may determine. In event of such consolidation all of the rights, powers, privileges, immunities and franchises of each corporation shall pass to and vest in the consolidated company resulting; in the event of a consolidation with any corporation upon whose property there shall be an encumbrance, such encumbrance shall be continued only upon the identical property it covered before the consolidation.

Power to borrow money.

Sec. 19. That said corporation shall have the power and authority to borrow money or other notes of value upon such terms and for such consideration as the board of directors may determine, and to issue its notes, bonds and other evidences of indebtedness from time to time, as said directors may deem proper, and to secure such indebtedness by mortgages or deeds of trust on its property, whether then owned or thereafter to be acquired, and its franchises in whole or any part, and such mortgages and deeds of trust so authorized shall be executed in the same manner as is prescribed by the general law.

Mortgages or deeds of trust.

Further general powers.

Sec. 20. That said corporation shall have the power and authority to do all and anything necessary, suitable or proper for the accomplishment of all or any of the purposes or attainment of any or all of the objects and powers herein enumerated, or which shall at any time appear to the stockholders coducive, expedient or proper for the protection or benefit of the said corporation.

Stockholders not individually liable.

Sec. 21. That the stockholders of the said corporation, whether private citizens or other corporations, public, private or municipal, shall not be individually liable for the debts, defaults or liabilities of the said corporation beyond the amount of their unpaid individual subscriptions to its capital stock.

Term of corporation.

Sec. 22. That the corporate existence of the corporation hereby chartered shall continue perpetually from and after the date of the ratification of this act.

Organization.

Sec. 23. That the persons named in section one of this act and their associates, successors or assigns shall have the right and privilege to organize under this charter at any time within two years from the date of the ratification of this act, and such organization hereunder shall be deemed and held to be a full and binding acceptance of the provisions of this charter in full.

Sec. 24. That all laws and clauses of laws in conflict with this act are hereby to the extent of such conflict repealed.

Sec. 25. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 459.

AN ACT TO LOCATE THE PUBLIC SCHOOL HOUSE IN DISTRICT No. 3, WHITE RACE, TOWNSHIP No. 3, IN PAMLICO COUNTY.

Preamble.

Whereas, all parties concerned in the location of the public school house in District Number Three, white race, Township Number Three, in Pamlico County, have agreed that said house shall be located on the lands now belonging to John Morris and Mrs. J. L. Fowler, lying and being situate on the southwest side of the new Vandemere public road: now, therefore,

The General Assembly of North Carolina do enact:

Location fixed.

Section 1. That the County Board of Education of Pamlico County be and is hereby authorized, empowered and directed to locate said public school house on said lands of John Morris and Mrs. J. L. Fowler, lying and being situate on the southwest side of the new Vandemere public road; that said building shall be located as nearly equally as possible on the lines of the said tracts of lands.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 460.

AN ACT TO INCORPORATE THE TOWN OF PATETOWN, IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.
Corporate name.
Corporate powers.

Section 1. That the town of Patetown is hereby incorporated by the name and style of Patetown, and it shall have the advantages of and be subject to all the provisions of law now in existence in reference to incorporated towns not inconsistent with this act.

Corporate limits.

Sec. 2. That the incorporated limits of the said town shall be as follows, viz.: Beginning at the fork of the Slough and Old Field Branch; thence up said Old Field Branch southwardly 1500 yards to a stake; thence northwest 900 yards to the Goldsboro Road; thence northwardly 400 yards to the Pikeville Road; thence eastwardly 200 yards to S. G. Pate's line; thence northeastwardly through said Pate's plantation about 500 yards to

J. J. Sasser's corner, at the head of Spring Branch; thence down said Spring Branch in a northeastwardly direction 400 yards to the Slough; thence down said Slough eastwardly 700 yards to the beginning.

Sec. 3. That the officers of said town shall consist of a mayor, three aldermen and a marshal, to be elected in accordance with the general laws regulating elections in cities and towns. Town officers.

Sec. 4. That until other officers shall have been elected and qualified on Tuesday after the first Monday in May, one thousand nine hundred and seven, the following persons shall be the officers of said town, namely: Mayor, Jack Sasser; Aldermen, C. B. McCanless, Joe Lancaster, Willie Summerlin; Marshal, L. B. Pate: *Provided*, no spirituous, vinous or malt liquors nor intoxicating drinks of any kind shall be sold in said town. Officers named. Prohibition.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 461.

AN ACT TO AUTHORIZE DISTRICT No. 1, FRANKLIN TOWNSHIP, MACON COUNTY, TO LEVY A SPECIAL TAX FOR PUBLIC SCHOOLS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That upon the petition of as many as one-fourth (¼) of the freeholders residing within the bounds of School District Number One, Franklin Township, Macon County, it shall be the duty of the board of county commissioners of said county, after thirty days' notice at the court-house door and three other public places within said district, to call an election to ascertain the will of the people in said district whether there shall be levied in said district a special annual tax of not more than thirty cents on the one hundred dollars valuation of property, and ninety cents on the poll, to supplement the public school fund of said district, which may be apportioned to said district by the county board of education. The board of county commissioners of said county shall appoint a registrar and order a new registration for said district, and the election shall be held in the district under the law governing general elections as near as may be: *Provided*, the expense of holding said election shall be paid out of the general school fund of the county. At such election, those who are in favor of the levy and collection Petition for election. Election to be called. Tax limit. Appointment of registrar and judges. Law governing election. Proviso: expense of election. Tickets.

of the tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes.

Appropriation of money.

Sec. 2. That all moneys levied under the provisions of this act, as well as moneys apportioned to said district by the county board of education, shall be placed to the credit of the school committee of said school district, which committee shall consist of five persons, and shall be elected as follows: At the election to be held under the provisions of section one of this act, five persons shall be voted for to constitute the school committee of said district, and the five persons receiving the highest number of votes at said election shall constitute said school committee, and shall hold office till the next general election for State and county officers. At each succeeding general election there shall be elected in the same manner a school committee for said district, to hold office for the space of two years, or until its successors shall be chosen. Said committee shall always consist of five persons, and in case of vacancies the same shall be filled by the remaining members of the committee, and the persons chosen to fill vacancies shall hold their office till the next general election of State and county officers. The said school committee shall take the place of the school committee that would be otherwise appointed by the county board of education, and shall have all the powers of such a committee, and in addition the said committee shall have sole charge of said school and the selection of the teachers employed therein, the fixing of compensation for said teachers, and it shall have the right and power to do any and all things necessary to be done in conducting said school. Said committee shall pass such by-laws to regulate its meetings as it shall deem expedient and necessary, and shall elect a treasurer, who shall have charge of all moneys coming to its hands, and who shall pay the same out upon such vouchers as it may direct, and who shall receive such compensation and give such bond as said committee shall direct; said committee shall have the power to allow parents or others having children of school age, outside the territory covered by said school district, to send said children to school within said territory upon such terms as said committee shall fix. The said committee shall expend the entire amount coming to its hands from all sources for the benefit of the public school in the above named district; and it shall be the judge of how much shall be expended in any year upon building and equipment, and shall

School committee.

Election of school committee.

Term of office.

Election of successors.

Vacancies.

Powers of committee.

By-laws.

Treasurer.

Compensation and bond of treasurer.

Non-resident pupils.

Expenditure of school funds.

apportion the money coming to its hands in such manner as shall in its judgment equalize school facilities within said district, and it shall not in any year expend more money than it shall receive for that year.

School property.

Sec. 3. That the said school committee, as provided for in the preceding section, shall be the successor of the county board of education for the purpose of holding school property, and the title to all public school property in said district shall vest in said committee and it shall have the right to dispose of and convey such public school property as in its judgment shall become unnecessary for school purposes, and shall have the right and power to purchase and hold other property for public school purposes.

Sec. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 462.

AN ACT TO AUTHORIZE THE TREASURER OF HAYWOOD COUNTY TO PAY A SCHOOL CLAIM.

The General Assembly of North Carolina do enact:

Payment authorized to Sallie C. Glenn.

Section 1. That the Treasurer of Haywood County is hereby authorized to pay out of any money in his hands or that may come into his hands, due Rock Hill Public School District, to Sallie C. Glenn for services rendered as teacher for said district in the year one thousand nine hundred and two, the sum of ten dollars, for which a voucher was properly issued and was lost, provided an order of the school committee of said district be obtained, countersigned by the county superintendent of public instruction.

Sec. 2. This act shall be in force from and after ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 463.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF TRYON.

The General Assembly of North Carolina do enact:

Commissioners authorized to extend corporate limits.

Section 1. That the Commissioners or Council of the Town of Tryon are hereby authorized to extend the limits of the said town one quarter of a mile, beginning at a stake where the Lynn Road crosses the present corporation line, running thence north 19 degrees and 3½ minutes west 1320 feet; thence in a circle having a radius of 3960 feet, or three-quarters of a mile, concentric with the present corporation boundaries, and comprising an angularship having a width of 1320 feet, or one-quarter of a mile, the corporate area being 2640 feet, or one-half mile.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Act to be submitted to vote.

Sec. 3. That this act shall not take effect and be in force until after it has been submitted to a vote of the qualified voters of the entire territory concerned, and been adopted and ratified by said voters, including all qualified voters in the corporate limits of the town and those living in the territory to be taken in by this act, and said election shall be held under such terms and provisions as those governing the election of members of the General Assembly, as far as practicable, and thirty days' notice shall be given in the Tryon Bee before said election is called, said election to be called at such time and place as the board of aldermen may designate and deem proper. Those favoring the extension of the town limits shall vote either a written or printed ballot with the words "For Extension," and those opposed to the extension of the town limits will vote a similar ballot with the words "Against Extension." The vote shall be canvassed and the result ascertained, and the returns thereof made in the manner as near as may be as now provided for the election of aldermen of said town, and the result so ascertained and returned shall be published in the same manner as the results in other town elections. So much of this act as provides for the holding of the election shall be in force from and after its ratification.

Law governing election.

Notice of election.

Ballots.

Canvass of result.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 464.

AN ACT TO AUTHORIZE DR. T. C. HENSLEY TO PRACTICE MEDICINE IN No. 2 TOWNSHIP, IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Dr. T. C. Hensley, a regularly licensed physician and surgeon of the State of Tennessee, be and he is hereby authorized to practice medicine and surgery in Number Two Township, in the county of Madison, and that he shall have the same rights and privileges and be subject to the same penalties as if he had been regularly licensed by the Board of Medical Examiners of the State of North Carolina to practice medicine and surgery in said State. Authority to practice. Rights, privileges and penalties.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 465.

AN ACT TO INCORPORATE THE RANDOLPH AND YADKIN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That W. J. Armfield, Jr., Wm. C. Hammer, Arthur Ross, W. J. Miller, C. C. Cranford, John T. Moffitt, Marvin Kearns, C. C. McAlister, J. T. Winslow, J. F. Cameron, J. A. Spence, D. B. McCray, S. L. Hayworth, J. E. Walker and such other persons as may be associated with them are hereby created and declared a body politic and corporate, with perpetual succession, under the name and style of the Randolph and Yadkin Railroad Company, and in that name may sue and be sued, and plead and be impleaded in any court in this State, contract and be contracted with; shall have power to adopt a common seal and to change the same at will; and shall be capable of taking by purchase, gift or any other way, real or personal property, and holding, leasing, conveying or in any other manner dealing with the same for any of the purposes hereinafter enumerated; and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may have all necessary regulations for its government not inconsistent with the laws of the United States or of the State of North Carolina. It may build branch roads from any part of its main line not exceeding fifty miles in length. Corporators. Corporate name. Corporate powers. Branch roads.

Power to construct, maintain and operate railroad and telegraph lines.
Termini and routes.

Sec. 2. Said company upon organization as hereafter provided for shall have power to construct, maintain and operate a railroad and telegraph lines from Ashboro, North Carolina, through the counties of Randolph, Davidson, Montgomery, Stanly, Richmond and Anson or through any parts of either of said counties, to the South Carolina line and through any parts of either of Randolph and Guilford to Greensboro, North Carolina.

Capital stock.
Increase of capital.

Sec. 3. The capital stock of the said railroad company shall be one hundred and twenty-five thousand dollars ($125,000) which may be increased from time to time by the votes of its shareholders to an amount not exceeding two million dollars ($2,000,000), to be divided into shares of one hundred dollars each;

Proviso: proceedings.

Provided, that such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him; such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in sections one thousand two hundred and thirty-three and one thousand two hundred and thirty-four of the Revisal of one thousand nine hundred and five of North Carolina.

Stock vote.

Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and ten thousand dollars shall be the minimum subscription on which said company may be organized.

Books of subscription.

Sec. 4. That said incorporators shall have power to open books of subscription in person or by agents duly appointed by a majority of them at such place or places as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient; said incorporators may when they deem proper, after twenty days' notice to the subscribers, call together the subscribers of said shares of stock at any place in or out of the State; and said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit; and at such meeting and all other meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said directors shall thereupon proceed to elect one of their number president, and to elect such other officers as the by-laws of said company prescribe, and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting. Said stockholders' meeting is to be annually, but if the day of annual election should under any circumstances pass without any election, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Meeting for organization.
Election of directors and other officers.
Election of president.
Term of directors.
Stockholders' meetings.

Sec. 5. The election of the directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the persons receiving the greatest number of votes shall be duly elected directors; and at all elections and upon all votes, when at any meeting of the stockholders, each share of stock shall be entitled to one vote to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe. Election of directors. Verification of proxies.

Sec. 6. The board of directors may fill any vacancies that may occur in it during the period for which it has been elected. The president of the company and the vice-president shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer shall also be elected by the directors and may be one and the same person. In the absence of the president or secretary at any meeting of the directors, they may appoint a president and secretary *pro tempore* to fill his place, except when the vice-president is present; in that case the vice-president shall act. Vacancies. Election and term of president and vice-president. Secretary and treasurer. President and secretary pro tem.

Sec. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company. Certificates of stock.

Sec. 8. The said company shall have power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere; it shall have power to consolidate its franchises and property with any other road under such name as shall be agreed upon. It may assign or lease its property and franchises or any part thereof to any other railroad; the road so leasing or purchasing this road shall hold, own and enjoy the property and franchises so leased or purchased as though they had been originally held and constructed by the railroad so leasing or purchasing; and the road so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: *Provided*, nothing in this act shall be construed to allow the said railroad company to become the channel through which any competing railroad companies shall consolidate. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The said company may subscribe to the actual stock of any other corporation now in existence or hereafter projected in this State or elsewhere and hold shares in the same; it shall have power to use any section or portion of its road before the whole of the same shall Power to purchase or lease other roads. Power of consolidation. Power of sale. Powers exercised by directors. Further powers.

have been completed, and charge for transportation of passengers and freight thereon.

Rights as to public roads and other railroads.

Sec. 9. That said company shall have the right when necessary to construct its said road across any public road or other railroad or alongside any other public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company.

Proviso: obstructions to public roads.

Power to condemn land.

Sec. 10. Whenever from any cause said railroad company cannot agree with the owners of the land over which the railroad shall go for the purchase of the land for the right-of-way and depot purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five, or may file a petition before the Clerk of the Superior Court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plot thereof. The Clerk of the Superior Court shall thereupon issue a summons or notice to the owner returnable to a day certain after ten days' notice, and after a hearing shall, if not sufficient cause is shown against the granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damage of the land or right-of-way taken. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto, but general benefits pertaining to the public shall not be considered in reduction of damages. If the petition shall pray for a condemnation of the right-of-way, then the consideration or damages allowed shall be for the said easement only; but if for depot or building purposes, the consideration or damages shall be for the fee. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds after approval by the clerk and payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court, in term-time, from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk.

Procedure.

Appeals.

Limit on right of condemnation.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of its road-bed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and ware-

houses it may condemn not exceeding two acres in any one place; and in all cases where lands or rights-of-way have been condemned, and where the owner shall petition for assessment of damages, it must be done within two years from condemnation and occupation and not after, except in case of legal disabilities, and in such case, within two years from the removal of such disabilities.

Counties, townships, cities or towns may subscribe to stock.

Sec. 12. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of the said company, or for bonds issued by the same, in the following manner: Upon presentation of writing signed by not less than fifty freeholders and resident tax-payers of the county, township, city or town to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the actual stock or bonds of said company, the board of commissioners of said county or proper authorities of said city or town may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the actual stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina; said election shall be held after thirty days' notice shall have been given specifying the amount of the proposed subscription, posted at the court-house door of said county and at every polling place of said county where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town.

Method of calling elections.

New registration.

Ballots.

Law governing election.

Notice of election.

Bonds to be issued.

Sec. 13. If a majority of the qualified voters vote "For Subscription," then the board of commissioners of said county or proper authorities of said city or town shall immediately make such subscriptions and shall issue such coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued. They shall be in a denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number

Denomination and terms.

Interest.

of years and bear such rate of interest as the petition and order of election shall indicate.

Special tax for interest and sinking fund.

Sec. 14. The county authorities in any county voting "For Subscription," or in which there is a township voting "For Subscription," who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay for the interest of the bonds issued on account of such county, township, city or town; and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity.

Collection and payment of taxes.

The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of said county, township, city or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purposes for which they were levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town showing [issuing] such bonds.

Investment of sinking fund.

Power of company to issue bonds.

Sec. 15. It shall be lawful for the said Randolph and Yadkin Railroad Company chartered by this act to issue coupon bonds in such denomination and running for such a time and having interest at such a rate and payable at such a time and place as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of such company, together with all its franchises and privileges; or in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct, and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Randolph County, and, upon registration in Randolph County, it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes.

Mortgages.

Registration of mortgage.

Convicts to be furnished.

Sec. 16. That the board of directors of the penitentiary may, on the application of the president of said company and approved by the Governor, turn over to said company convicts not otherwise appropriated to be worked in construction of said road on such terms as may be agreed upon, the said convicts to be guarded and superintended by the authorities of the penitentiary, and to be hired by the said company as provided by law.

Sec. 17. That the stockholders of said company, with the private citizens of other corporations, public, private or municipal, shall not be personally liable for the debts of said company. Stockholders not individually liable.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 466.

AN ACT TO INCORPORATE PINETOWN, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants residing within the boundaries hereinafter described, composing the settlement known as Pinetown, in Beaufort County, and those who may hereafter reside within such boundaries, are hereby incorporated as a town, under the name and style of Pinetown, and are hereby invested with all the rights, powers, privileges and immunities, and are made subject to all the provisions of chapter seventy-three, volume one, Revisal of one thousand nine hundred and five, and all amendments thereto, in so far as the same are not inconsistent with the provisions of this act. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the boundaries or corporate limits of said town shall be as follows: Beginning in the main county road leading from Pinetown to Washington, at the big bridge where the main run of Fork Swamp crosses the said county road, and running in an eastwardly direction with the main run of said Fork Swamp to its junction with the main run of Pungo Swamp; thence in a northwardly direction, with the main run of Pungo Swamp, that is, going up the swamp, a distance of one and one-half miles; thence a due west course to the line of the Jamesville and Washington Railroad Company land; thence with the line of said land in a southwardly direction, and with the various courses of said line to the run of Beaver Dam Swamp; thence downward with the center of the run of said Beaver Dam Swamp, back to the main run of Fork Swamp; thence with the main run of Fork Swamp, in an eastwardly direction, to the aforesaid bridge, the beginning. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor and four commissioners, and the mayor shall also be a member of the board of commissioners and its chairman, by virtue of his office, and shall be entitled to vote upon all questions coming up before the commissioners. A quorum of the board shall have the power to transact all business which might properly come Town officers. Mayor ex officio a commissioner. Quorum of board.

First officers named.

before a full meeting of the board. Until a mayor and commissioners shall be elected, as hereinafter provided, and qualified to act, Surry Parker shall fill the office of mayor, and first C. W. Waters, second J. E. Slater, third F. L. Morris and fourth T. A. Berry, the offices of commissioners of said town.

Town elections.

Sec. 4. That there shall be an election held for the offices of mayor and commissioners on Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, in the manner prescribed by law for municipal elections; and within five days after their election, they shall convene for the transaction of business, and fix their regular days of meeting, which shall be at least once each month; but special meetings of the commissioners may be held on the call of the mayor or of a majority of the commissioners, and of every such meeting those not joining in the call shall be notified, verbally or in writing.

When board to convene.
Regular meetings.
Special meetings.

Other officers.

Sec. 5. That the said commissioners shall have the power and authority to appoint a town clerk and a town marshal, and such other officers and policemen as they may deem necessary for the government of said town, and also to fix and determine their salaries, prescribe their duties and require of them official bonds. Unless otherwise provided, the town clerk shall also be the treasurer, and the town marshal shall be tax collector in and for the said town, and each of them shall give a good and sufficient bond, to be approved by the town commissioners.

Salaries and duties.

Treasurer and tax collector.

Ordinances, by-laws, rules and regulations.

Sec. 6. That the commissioners shall have the power to make and provide for the enforcement and execution of all ordinances, by-laws, rules and regulations for the good government of the town, as they may deem necessary: *Provided*, the same be not inconsistent with the laws of the State.

Proviso: general law paramount.

Duties of commissioners.

Sec. 7. That the commissioners shall have the power, and it shall be their duty to provide for and secure the peace, good order and tranquillity of the town against disturbances by quarrels, drunkenness, loud, profane or obscene language, riots, affrays and trespasses, or other breaches of the peace, or irregularities of whatever nature, tending to disturb the peace of the citizens. They shall provide for the repairing of the streets, sidewalks, alleys and drain ways, and cause the same to be kept clean and in good order; shall take all proper means of preventing or extinguishing fires; suppress and remove nuisances, and prohibit any indecent exposure of the person, by imposing fines or imprisonments in all cases within the jurisdiction of justices of the peace, as they shall deem adequate. They may also require the abatement and removal of all nuisances, and shall have the power to pull down any old house or other building, when the same may be considered dangerous from fire or other causes to the safety of the persons or property of the citizens: *Provided, however*, that before such removal, the owner

shall be notified of such contemplated action and allowed one month thereafter for the removal or repairing of such building.

Powers as to streets.

Sec. 8. That the commissioners shall have the power to lay out and open any new street or streets, alleys or drain ways, within the corporate limits of said town, whenever deemed by them necessary, and they shall also have the power at any time to widen, enlarge, change, extend, narrow or discontinue any such street or streets, alleys or drain ways, whenever they may so determine, by making reasonable compensation to the owners of the property damaged thereby. In all cases where the owners thereof cannot agree with the commissioners upon the value of the property damaged and the amount of damages, if any, the mayor of the town shall issue his warrant to the marshal or other policeman, commanding him to summon three disinterested freeholders of said town, who, together with two other disinterested freeholders of said town, to be selected by the party claiming damages, shall determine and assess the damages, after which they shall return a report of their proceedings to the mayor of the town. Before proceeding to view the premises and assess the damages, the parties so summoned and selected shall take an oath before the mayor or a justice of the peace to make a fair, just and impartial appraisal or assessment of any damages that may be sustained, taking into consideration and deducting any benefits to the property: *Provided, however*, that if the party claiming damages refuses to select two appraisers as above provided, the report of the three summoned on the part of the town shall be final and sufficient: *Provided further*, that if either the commissioners or the party claiming damages be dissatisfied with the report of the appraisers, then they may appeal to the Superior Court of Beaufort County, and in that event the report of the valuation and the proceedings thereon shall be sent by the mayor to the said court, there to be determined. If appeal is taken on the part of the town, notice thereof shall be served on the party claiming damages within ten days after the filing of such report, and if taken by the party claiming damages, notice thereof shall be served upon the mayor within the same period; and such appeal shall be duly docketed by the Clerk of the Superior Court of Beaufort County at the instance of either party taking the same, upon payment of the fees prescribed by law in similar cases: *Provided*, that no appeal shall stay or effect the contemplated proceeding or improvement upon which the said report is based or damages claimed, or interfere with the action of the commissioners in that behalf, or the carrying out of their orders in connection therewith, if the amount of damages assessed be paid over to the Clerk of said Superior Court, or a good and sufficient bond securing the same filed with him pending such appeal.

Procedure for condemnation of land.

Proviso: appeals.

Guard-house.

Sec. 9. That the said commissioners may build or establish a guard-house in which to secure or confine offenders for violations against the town ordinances, and for feeding such offenders so confined, the officer having charge of the same shall be allowed such compensation as is allowed to the Sheriff of Beaufort County; but persons committed for violation of the law of the State shall be imprisoned in the county jail of Beaufort County:

Proviso: convicts sentenced to town work.

Provided, that in case a defendant or other person is adjudged to be confined in the guard-house, it shall be competent for the mayor to adjudge also that such person shall work upon the public streets or works of the town during the period of such

Fines, penalties and costs to be worked out.

confinement; and, in case such confinement be for the non-payment of the fines, penalties or costs, such person so confined shall have credit thereon at the rate of one dollar per day for every day during which he shall so work upon the public streets or other works of the town, and in that case the cost of feeding and other necessary expenses of such period [person] during the period of confinement shall be taxed as a part of the costs to be paid.

Mayor constituted special court.

Sec. 10. That the Mayor of Pinetown is hereby constituted a special court, to be known as the Mayor's Court, with exclusive

Jurisdiction.

original jurisdiction over all offenses arising from the violation of the ordinances, by-laws, rules and regulations adopted and

Concurrent jurisdiction.

made in pursuance of this act, with concurrent jurisdiction, power and authority which are now or hereafter may be given to a justice of the peace for the trial and determination of such civil and criminal causes as may arise within the corporate limits of said town, under the general laws of North Carolina, and to that end he may issue his summons or other process, and if criminal have the party brought before him, hear, determine and give judgment thereon; issue execution, impose fines, penalties and forfeitures as the case may be, and direct the enforcement thereof, subject to the limitations of this act as to the amount of such penalties, and subject also to the same right of appeal as is

No cause to be removed from mayor.

provided for from courts of justices of the peace: *Provided*, that no cause arising upon the violation of any of the provisions of this charter, or of any ordinance, rule and regulation adopted or made in pursuance hereof, shall be removed from the Mayor's Court to a justice of the peace for trial, but all causes on which the said Mayor's Court may have concurrent jurisdiction, as above provided, or arising under the general laws of North Caro-

Proviso: fees.

lina, may be so removed: *Provided further*, that the Mayor's Court shall be entitled and have power to collect and receive for the issuance of all process and the trial and disposition of causes the same fees and all other fees which a justice of the peace is or may be authorized to collect and receive, as a part of the costs in any case which may come before him or of which he may have jurisdiction, and the same shall be paid to the mayor

in lieu of other compensation for his services, unless the commissioners shall provide for compensation to the mayor otherwise; and it shall be the duty of the mayor to keep a true account and record of all fines, penalties, forfeitures and costs imposed and collected by him under any of the provisions of this act, or for violation of any ordinance, by-law, rule or regulation made in pursuance hereof, showing the name and residence of each defendant and nature of the offense, the date of the hearing or trial, the amount of fine, penalty and costs imposed, and by whom. All fines, penalties and forfeitures shall be collected and paid over to the use and for the benefit of said town, including also such officers' fees and costs as shall not be payable to the mayor as compensation.

Mayor to keep records.

Sec. 11. That the mayor may issue process to the town marshal or to any other policeman or to any constable or other lawful officers in the county of Beaufort to whom a justice of the peace may issue similar process, and such process, when attested by the corporate seal, shall run anywhere in the State of North Carolina, and they shall execute the same: *Provided*, that neither the town marshal nor any policeman nor other town officer shall execute any process beyond or outside of the boundaries of Long Acre Township, unless the offense was committed or cause of action arose within the corporate limits of the town, or any violation of the provisions of this act: *Provided further*, that a judgment rendered by the mayor, under the provisions of this act shall have all the force, authority and validity of a judgment rendered by a justice of the peace, and may be enforced and executed against parties in the county of Beaufort and elsewhere in the same manner and by the same means.

Process of mayor.

Process under seal.

Proviso: limit on authority of town marshal.

Proviso: force of judgment.

Sec. 12. That, in order to raise funds for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes: (1) On all real and personal property within the corporate limits and upon all subjects taxed by the State *ad valorem*, a tax not exceeding thirty-three and one-third cents on every one hundred dollars of value; (2) On all taxable polls, one dollar each, who may be a resident of the town the first day of June of each year; (3) On all other subjects of taxation not to exceed one-half of the State tax.

Taxes.

Property tax.

Poll tax.

Other subjects of taxation.

Sec. 13. That all the taxes due the town shall be collected by the town marshal or other officer designated for that purpose by the commissioners, in the same manner as sheriffs are allowed to collect taxes, and he shall give a good and sufficient bond, to be approved by the commissioners. All property, polls and all other subjects of taxation shall be listed with the town clerk, who shall act as list-taker in that behalf, unless otherwise provided by the commissioners, and who shall be authorized to administer oaths to persons listing the same.

Collection of taxes.

Property to be listed.

Street work.

Sec. 14. That for the purpose of keeping the streets, alleys and drain ways of said town in good repair and condition, the commissioners may require all male subjects not under eighteen nor over forty-five years of age to work upon the same in the same manner as public roads are now required to be worked in Beaufort County, but, in that event, all such citizens are exempted from working the public roads of said county, and shall be relieved of road duty outside of the corporate limits of said town.

Prohibition.

Sec. 15. That it shall be unlawful for any person or persons or other agency to sell any spirituous, vinous or malt liquors within the corporate limits of said town, except for medical purposes, and then only upon the written prescription of a practicing physician; and the commissioners shall have no power to license any person to sell any such liquors within the corporate limits of the town, except for medical purposes as aforesaid.

Misdemeanor. Punishment.

Any person violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Vacancies.

Sec. 16. That if any person who may be elected mayor shall refuse to qualify, or there shall be a vacancy in said office, after election and qualification, by reason of resignation or otherwise,

Mayor pro tem.

or if the mayor be temporarily absent from the town, or be unable to attend to or discharge the duties of his office from sickness or otherwise, the commissioners shall choose another member to act as mayor *pro tempore*, or to fill the unexpired term, and likewise in case of a commissioner's refusal to qualify, or in case of his resignation or inability to act, the remaining commissioners shall elect some suitable person to fill the vacancy.

Conveyances to town.

Sec. 17. That all conveyances of property by or to or for the use and benefit of the town, shall be executed and taken in the

Execution of instruments by town.

name of the Commissioners of Pinetown, and all official acts or legal documents or other instruments executed for or in behalf of the town, in its corporate capacity, shall be executed in the name of the Commissioners of Pinetown by the mayor, and attested by the town clerk, and the corporate seal shall be affixed either by the mayor or clerk, and all such instruments shall be acknowledged in the form and manner as are now or may hereafter be prescribed by law; and if for any reason the mayor shall be unable or shall fail to sign any instrument required to be executed on the part of the town in the name of the Commissioners of Pinetown, as above provided, then any two of the commissioners shall be authorized to sign and execute the same

Definition of "commissioners."

in his place and stead. Whenever in this act the word commissioners has been used, in its collective sense, the same shall be deemed and held to mean the board of commissioners of said town, in its official capacity as such.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 467.

AN ACT TO INCORPORATE THE MONROE SOUTHERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That E. C. Williams, J. J. Crow, W. S. Blakney, W. J. Hanna, J. L. Craige and M. W. Duvaull and such other persons as may hereafter become associated with them as stockholders, their successors and assigns be and they are hereby created and declared a body politic and corporate, under the laws of the State of North Carolina, under and by the name of Monroe Southern Railroad Company, and by said name may sue and be sued, adopt a common seal and change same at will, adopt by-laws, and shall have and enjoy all the rights, powers and privileges that are granted to railway corporations by the general laws of this State, and all such powers necessary or incidental thereto as may not be inconsistent with the laws of this State. Corporators. Corporate name. Corporate powers.

Sec. 2. That said corporation shall have such officers, with such duties and terms of office as the by-laws of the corporation may from time to time prescribe. There shall not be less than six nor more than twelve directors of the company elected by the stockholders, whose duties and terms of office shall be as prescribed in its by-laws. Officers. Directors.

Sec. 3. The capital stock of the corporation shall be one hundred and fifty thousand dollars, divided into six thousand shares of the par value of twenty-five dollars each; but said capital may from time to time be increased, upon the payment to the Secretary of State of all fees and charges therefor, to such an amount as a majority in value of the stockholders shall determine, not exceeding six hundred thousand dollars. Such increase, if any, shall likewise be divided into shares of the par value of twenty-five dollars each. Said capital stock may be divided into preferred and common shares, in such proportion and with such privileges, qualities and characteristics as a majority in value of the stockholders may determine, and any of said shares may be transferred as is provided in the by-laws of said company. Said corporation may commence business when ten thousand dollars of its capital stock has been subscribed for. Capital stock. Increase of capital. Preferred and common stock. When to begin business.

Sec. 4. Said corporation shall have the right and power to construct, own, maintain and operate a line or lines of railroad from any point on the North and South Carolina line, in the counties of Chesterfield, in South Carolina, and Union, in North Carolina, to the city of Monroe, in North Carolina, and thence to some point on the Southern Railway, in Mecklenburg, Cabarrus, Right to construct, maintain and operate railroad. Termini and route.

Stanly, Rowan or Davidson Counties, in North Carolina, in such direction as may be decided by the board of directors of said corporation; and shall have the power to pass through any of said counties at such points, places or portions as may be decided by the board of directors; and along all of said routes the said company shall have the right and is empowered to locate, construct, equip, maintain and operate a railroad or railroads, or any part thereof, with one or more tracks, either narrow or standard gauge, and to that end shall have the right to acquire by purchase, gift or condemnation such lands as may be necessary for its purposes, and in the operation of its said railroad or railroads, the said company shall have the right to use such motive power as it may desire.

Right to acquire property.

Lateral and branch lines.

Sec. 5. The said company shall have the right to construct, maintain and operate such lateral and branch lines, not exceeding fifty miles in length, in the counties named in this act, as may in its opinion be necessary or advantageous to the extension, completion and successful operation of said railroad, and for these purposes and for the purposes of its main line it shall have the power to construct dams, culverts, trestles and bridges over or across streams, valleys and depressions. The said company is hereby authorized and empowered to build, maintain and operate telegraph and telephone lines on its right-of-way or any part thereof, and to lease or let said lines, and to connect them with other lines by contract or by leasing such other lines.

Incidental powers.

Telegraph and telephone lines.

Meeting for organization.

Sec. 6. That when ten thousand dollars shall have been subscribed to the capital stock of said company, the said incorporators, or a majority of them, shall within a reasonable time thereafter, appoint a time and place for the meeting of said stockholders, of which time and place ten days' notice in some newspaper published in the city of Monroe, North Carolina, shall be given, and notice shall also be mailed to each subscriber to said capital stock at least one week before the time fixed for such meeting, at which time and place the stockholders shall proceed to the organization of said company by electing a board of six directors who shall hold their offices for twelve months and until their successors are elected. Such board of directors shall have the right to make all necessary by-laws, and shall have all such other powers and authority as are conferred in chapter sixty-one of the Revisal of one thousand nine hundred and five.

Notice of meeting.

Election of directors.

Powers of directors.

Right to condemn land.

Sec. 7. That said company shall have the right to condemn land necessary for the purposes of building and operating its road, including a right-of-way, depots, warehouses, shops and all other necessary purposes, and to increase the same at any time when necessary, and shall have the right and full power and authority to connect with or cross any and all other railroads on its line, and shall have the right, privilege and power necessary

for the purpose of acquiring such lands and right-of-way as are given under the general law of this State, the proceedings for which, if necessary to condemn, shall be as provided in chapter sixty-one of the Revisal of one thousand, nine hundred and five, and it shall have the benefit of every process or proceeding as now provided by law in such cases, and shall have the authority and right to own in fee simple or otherwise, and take the same by grant, deed or otherwise, any lands necessary for its use.

Payment of subscription.

Sec. 8. That the subscription to the capital stock of the said company may be made in money, land, material or labor, as the subscriber may deem proper or expedient.

Exclusive rights.

Rates.

Sec. 9. The said company shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches at such rates as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time make and establish, or may have hitherto made and established; and it shall have the right to transport all manner of goods as expressed, and to make and collect all charges for the same, and to transport the United States mail, and to make and collect all charges for the same.

Power of purchase or sale or lease.

Proviso: domestic corporation.

Sec. 10. Said company is authorized and empowered to purchase, lease to or from, or to consolidate with any railroad company now existing or which may exist under the laws of this State or any other State, with which its lines connect: *Provided*, that any corporation or company resulting from a consolidation under the foregoing provisions of this act shall be a domestic corporation and subject to the laws and jurisdiction of North Carolina; or said company may lease or sell its road or property to any other person, persons or domestic corporation subject to the laws of North Carolina upon such terms and on such conditions as to the stockholders may seem proper: *Provided*, that such consolidation or lease or sale is approved by the affirmative vote of the holders of at least two-thirds of the capital stock of the said company. In the event of such consolidation, all of the rights, powers, privileges, immunities and franchises of each corporation shall pass to and vest in the consolidated company resulting. In the event of consolidation with any corporation upon whose property there is any incumbrance, or in the event of incumbrance on this company, the lien of such incumbrance shall be continued upon the identical property it covered before the consolidation, and upon none other. Said corporation shall also have the right and power to purchase the road and works and other property of any other railroad corporation, or the capital stock of any other railroad corporation, and pay for the same with its own capital stock or otherwise, and the issue of its capital stock for such purposes is hereby fully authorized.

Proviso: approval by stockholders.

Power to issue bonds.

Sec. 11. The said company shall have power and authority to issue, negotiate and sell its bonds, either coupon or registered, for the construction or management or operation of its road, to any amount that may be necessary, not to exceed twenty thousand dollars per mile, and to secure the payment of both principal and interest of the same by one or more mortgages or deeds of trust, conveying its franchises, road-bed, rolling stock, right-of-way and any and all other property of any kind owned by said company, or part of its corporate property and franchises, on such terms and conditions as a majority in value of its stockholders may deem proper.

Limit.

Mortgage.

Counties, townships, cities or towns to subscribe to stock.

Sec. 12. Any of the counties of Union, Mecklenburg, Stanly, Cabarrus, Davidson or Rowan, and any township, city or town in any of the said counties along or near the line of the constructed or proposed road of this company may subscribe to the capital stock of the company in the following manner: Upon presentation of a petition, in writing, signed by not less than twenty-five per centum of the qualified and registered voters of the county, township, city or town, to the board of commissioners of such county, in case it is a county or township for which the application is made, or to the proper authorities of said city or town in case it is a city or town for which application is made, requesting them to submit to the qualified voters of the county, township, city or town where such petitioners may reside a proposition to subscribe a definite sum, to be named in said petition, to the capital stock of this company, the board of commissioners of said county, or the proper authorities of said city or town, as the case may be, shall within thirty days after the said presentation of such petition, order an election to be held in such county, township, city or town within sixty days after the making of such order, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those qualified to vote who are opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be held and conducted in the same manner and subject to the same rules and regulations as are provided for the election of county, township, city or town officers by the general election law of this State, the county commissioners being hereby authorized to perform such duties necessary for such elections as would be under the general law required of the board of elections for such county or township in which an election is held. Such election shall be held after thirty days' notice thereof, specifying the amount and terms of the proposed subscription, shall have been posted at the court-

Method of calling election for subscription.

Election to be ordered.

Ballots.

Law governing election.

Notice of election.

house door of said county and at every polling place of said county, township, city or town where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or the proper authorities of said city or town. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or the proper authorities of said city or town, shall immediately make such subscription to the stock of the said company, and shall issue coupon bonds to the amount of such subscription in order to pay the same, and the bonds shall indicate upon their face on account of what county, township, city or town they are issued. They shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate. They shall be signed, if issued by a county or township, by the chairman of the board of county commissioners and by the clerk of said board of county commissioners, and, if issued by a city or town, by the mayor and one of the commissioners or aldermen of such city or town.

Returns.

Method of making subscription.

Denominations and terms.

Interest.

Authentication.

Sec. 13. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in any city or town voting for subscription, who are legally empowered to levy taxes, shall, in order to provide for the payment of the bonds and interest thereon to be issued under the preceding section, compute and levy each year at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town, to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity, preserving in all such levies the constitutional equation of taxation, which said tax shall not exceed one dollar on the one hundred dollars' worth of property and three dollars on each poll. The taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer of the county when the subscription has been made by a county or township, and to the treasurer of the city or town when the subscription has been made by a city or town; and the taxes levied and collected for these purposes shall be kept distinct and apart from all other taxes, and shall be used for the purpose for which levied or collected, and for no other purpose. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing said bonds, or in which there is a township issuing said bonds, or by the proper authorities of the city or town issuing said bonds: *Provided*, that whenever possible, the sinking fund shall be invested in the purchase of the identical

Special tax for interest and sinking fund.

Collection and settlement of taxes.

Specific appropriation.

Investment of sinking fund.

bonds issued under this act, at a price not exceeding the par value thereof. In the event that the properties, rights and franchises, or any part thereof, of this company are hereinafter acquired, under the provisions of this act, by any other company, the board of commissioners of any county making such subscription, or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall and they are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof, with the consent of the board of commissioners of any county making such subscription, or in which there is a township making such subscription, in the case of county or township bonds, or by consent of the proper authorities of any city or town making such subscription, in the case of city or town bonds.

Transfer of subscription authorized.

Counties and townships declared corporate.

Sec. 14. For the purposes of this act, all of the said counties of Union, Mecklenburg, Stanly, Cabarrus, Davidson and Rowan, and all of the townships in all of the said counties, which may vote to subscribe to the capital stock of the said company, as provided by this act, shall be and they are hereby declared to be, respectively, bodies politic and corporate, and vested with full power to subscribe as provided in this act, and to assume the contracts of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which any such township is located are declared to be the corporate agents of said township so incorporated for the purpose of issuing the bonds of said township, and to provide for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds, and to provide for the sinking fund hereinbefore mentioned.

Corporate powers.

County commissioners corporate agents.

Payment of subscriptions.

Sec. 15. That subscription to the capital stock of said company may be made and paid in money, land, labor, material or services, or in bonds, stocks or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company. The said president shall have power and authority to require from the stockholders such payments on their respective shares from time to time as the wants of the company may demand, until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors, within one month after the same shall have been required of him, if payable in money, and within a reasonable time after the same shall have been required of him, if payable in labor, services or otherwise, it shall be lawful for the said president and directors to sell at public auction and con-

Enforcement of payment.

vey to the purchaser the share or shares of such stockholder so failing or refusing to pay, first giving thirty days' notice of the time and place of said sale in one or more newspapers published in this State; and after retaining the sum due upon such share or shares of stock, and all charges of the sale, out of the proceeds thereof, the said president and directors shall pay the surplus over to the delinquent owner or his legal representative; and if the said stock shall not bring at such sale the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover the balance, up to the unpaid amount of the original subscription for the said stock of the original subscriber or his executor or administrator, or of his assigns, or either of them, at the option of the said company, acting through its president and directors, by civil action in any court having jurisdiction thereof, and any purchaser of stock at such sale shall be subject to the same rules and regulations as the original proprietor.

Term of corporation.

Sec. 16. The corporate existence of this company shall continue perpetually from and after the date of the ratification of this act.

Stockholders not individually liable.

Sec. 17. That the stockholders in said company or the subscribers thereto, whether private citizens or other corporations, public or private or municipal, shall not be individually liable for any debt, default or liability of the said company beyond the amount of their unpaid individual subscription to its capital stock.

Sec. 18. That all laws and clauses of laws in conflict with the provisions of this act be and the same are to the extent of such conflict repealed.

Sec. 19. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 468.

AN ACT TO AMEND CHAPTER 449 OF THE PUBLIC LAWS OF 1903, RELATING TO THE GRADED SCHOOLS IN PIGEON RIVER TOWNSHIP, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Boundaries of district.

Section 1. That all of section one of chapter four hundred and forty-nine of the Public Laws of one thousand nine hundred and three, after the words "school district," in line three be struck out, and the following inserted in lieu thereof: "Beginning at the east fork of Pigeon River at the Col. J. Cathey old line and run-

ning with said line to Pigeon River; thence down Pigeon River to S. D. Cagle's line; thence with S. D. Cagle's back line to the L. L. Moore line; thence with said L. L. Moore back line to J. J. Justice's line; thence with said J. J. Justice's north boundary line to the top of the mountain; thence with the top of the mountain to George Cathey's line; thence with said George Cathey's back line to the Mal Kinsland old line; thence with said line to Ed. Wells' line; thence with said Ed. Wells' back line to J. M. Edwards' line; thence with said J. M. Edwards' back line to Cecil Township line; thence with said township line to John Sorrell's line; thence with said John Sorrell's back line to the west fork of Pigeon River to W. W. Hargrove's line; thence with said W. W. Hargrove's back line to Rhodes Creek; thence across said creek into the Mountain Grove Road; thence with said road to T. C. Wells' line; thence with T. C. Wells' back line to W. S. Terrell's line; thence with said W. S. Terrell's back line to his corner with Laura Lenoir's; thence west with said W. S. Terrell's line to the Burnett Branch; thence with said branch as it meanders to the east fork of Pigeon River; thence down and across said east fork of Pigeon River to the beginning."

Sec. 2. That in section two of said chapter four hundred and forty-nine, Public Laws of one thousand nine hundred and three, strike out all of said section after the words "the Board of Commissioners of the County of Haywood," in lines one and two, and insert in lieu thereof the following: "after thirty days' notice at the court-house door and in three public places in said district shall hold an election on Tuesday after the first Monday in May, one thousand nine hundred and seven, to ascertain the will of the people within said district, whether there shall be levied in said district a special annual tax of not less than twenty cents nor more than fifty cents on the one hundred dollars valuation of taxable property within the boundaries set out in section one of this act. And a tax upon the taxable polls resident in said boundary of not less than sixty cents nor more than one dollar and a half on each poll, observing at all times the constitutional equation, to supplement the public school fund, which may be apportioned to said district by the county board of education, in case such special tax is voted. The board of county commissioners shall appoint a registrar and two poll-holders, and shall designate a polling place and order a new registration for said district, and the election shall be held in the district under the law governing the general election as near as may be, and the registrar and poll-holders shall canvass the vote and declare the result and shall duly certify the returns to the board of county commissioners, which shall record the same in its record: *Provided*, the expense of holding said election shall be paid out of the general school fund of the county. At such election those who are in favor of

Election for special tax.

Rate.

Registrar and poll-holders.

Law governing election.

Canvass of vote.

Returns.

Proviso; expense of election.

Tickets.

the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the school trustees in said district." Tax credited to school trustees.

Sec. 3. Strike out all after the words "their respective names," in line three of section four of said chapter four hundred and forty-nine of the Public Laws of one thousand nine hundred and three, down to and including the words "K. C. Cathey one year," in line five, and insert in lieu thereof: "Ira F. Mann two years; W. S. Terrell two years; T. R. Hyatt one year; J. M. Edwards one year, and J. W. Moore one year." School trustees.

Sec. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 469.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF WADESBORO TO COLLECT CERTAIN TAXES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Wadesboro be and it is hereby authorized to collect all taxes and arrears of taxes heretofore levied by its authority for one thousand nine hundred and four, one thousand nine hundred and five and one thousand nine hundred and six upon property, polls, franchises and properties within said town and corporate limits, and to require its officers to account for the same. Collection of arrears authorized. Years included.

Sec. 2. The constable of said town is hereby empowered to make such collections by distraint or otherwise from time to time during the next two years and account for the same. Every levy of taxes, whether upon polls, properties or otherwise, for the years one thousand nine hundred and four, one thousand nine hundred and five and one thousand nine hundred and six is hereby validated and made good for said years. And all persons liable to said taxes who have not paid the same are required to Constable empowered to make collections. Levies validated.

pay them to the proper officers within the time limited by law. It is the purpose of this act to make any levy of taxes by the authorities of the town good and valid for the years one thousand nine hundred and four, one thousand nine hundred and five and one thousand nine hundred and six, without regard to form or to infirmities of title, and to impose upon the collectors of said taxes the duty of collecting and accounting for the same.

Tax levies validated.

Sec. 3. All taxes levied upon property, polls and privileges are made valid for the years aforesaid. And the collecting officers are requested to take due cognizance of the collection and due observance of the same.

Sec. 4. This act is to be in force from the ratification of the same, and continue in force two years.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 470.

AN ACT TO INCORPORATE THE NORTH CAROLINA UNION RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That N. M. Palmer and J. D. Palmer, of Warren County, D. Y. Cooper, of Vance County, H. G. Chatham, of Surry County, and R. T. Gray, of Wake County, State of North Carolina, and their successors, associates and assigns be and are hereby constituted and created a body politic and corporate under

Corporate name.

the name and style of The North Carolina Union Railroad Com-

Corporate powers.

pany, and as such may sue and be sued, plead and be impleaded in the courts of the State, and shall have the powers herein granted, and are hereby invested with all the rights, privileges, immunities and powers conferred upon railroad companies by chapter sixty-one of the Revisal of one thousand nine hundred and five of North Carolina, entitled "Railroads," and the amendments thereto; said company may make ordinances, by-laws and regulations consistent with the laws of this State and the laws of the United States for the government of all under its authority and for the management of its estate and for the due and orderly conduct of its affairs.

Enumeration of powers.

Sec. 2. The said company shall have power and authority to buy, hold, use, sell, mortgage or otherwise transfer all such real and personal estate as may be necessary to and will, in its opinion, advance the interest of the said company; to elect or appoint all necessary officers and prescribe their powers and duties; and to have and use a common seal, which it may change

at its pleasure, and to have and exercise all and every power, privilege, franchise and right common or necessary to similar corporations, and not inconsistent with the laws of the State or the provisions of this act.

Power to lay out, construct, maintain and operate railroad and telegraph lines.

Sec. 3. The said company upon its organization as hereinafter provided, shall have power to survey, lay out, construct, maintain and operate by steam, electricity or any other motive power a railroad with one or more tracks, and telegraph and telephone lines from some point on the Seaboard Air Line at or between Henderson and Warren Plains eastwardly or southeastwardly through the counties of Vance, Franklin, Warren, Halifax, Nash and Edgecombe, or either of them, to some point on the Atlantic Coast Line, and shall also have the power to survey, lay out, construct, equip, maintain and operate by steam or any other motive power one or more branch lines from such point or points on the main line as said corporation may desire, the said branch roads to run in such direction and to such points or places as the said corporation may desire.

Termini and routes.

Branch lines.

Telegraph and telephone lines.

Sec. 4. The said company is authorized to construct and operate at its option one or more lines of telegraph or telephone along its railroads, and to charge and collect such remuneration for messages or dispatches as the board of directors may determine; and the said company may connect said lines of telegraph or telephone with the lines of any other company, and may lease or sell the same: *Provided*, said company shall be subject to all the provisions of the law governing telegraph and telephone companies.

Sec. 5. That for the purpose of surveying, constructing, maintaining and operating said lines of railroad, said company is hereby empowered:

Entrance on lands for surveys.

First. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route or routes, and for such purpose its officers, agents, servants and employees may enter upon the land or water of any persons or corporations.

Voluntary grants.

Second. To take and hold such voluntary grants of real estate or other property as may be made to it to aid in the construction, maintenance and operation of its roads.

To purchase, hold and use property.

Third. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of roads, stations and all other accommodations necessary to accomplish the objects of its corporation, and to lease or buy land necessary for its use.

To lay out and construct road.

Fourth. To lay out the roads not exceeding one hundred feet in width, and to construct the same; and for the purpose of cutting any embankment and for maintaining gravel and other material may take as much land as may be necessary for the proper construction, operation and security of the roads, or to

cut down any trees that may be in danger of getting on the track or obstructing the right-of-way.

To cross water courses, streets, etc.

Fifth. To construct its road across, along or upon any stream of water, water course, streets, highways, canals, etc., which the route of the road will intersect or touch.

To cross, intersect or join other railroads.

Sixth. To cross, intersect or join or unite its road with any other railroad heretofore constructed or hereafter to be constructed at any point on its route or upon the ground of any other railroad company, with the necessary turnouts, sidings and switches or any other conveniences necessary in the construction of its road, and may run over any part of any other railroad's right-of-way necessary or proper to reach its freight depot in any city or town, or to reach any other point of the right-of-way otherwise inaccessible through or near where its road may run, and may lay and use tracks through or into any town or city along its proposed lines, by and with the consent of the corporate authorities of such town or city.

To convey persons and property.

Seventh. To take and convey persons or property over its roads by use of steam or any mechanical power, and to receive a compensation therefor, and to do all things incident to the railroad business, and to do all things incident to a shipping business.

To erect buildings.

Eighth. To erect and maintain convenient buildings, warehouses, stations, fixtures and machinery, whether within or without a city, town or village, for the accommodation and use of the passengers and freight business.

To regulate transfer of passengers and freight.

Ninth. To regulate the time and manner in which passengers and freight shall be transferred, and the compensation to be paid therefor, subject to any laws of this State upon the subject.

To borrow money and execute mortgages.

Tenth. To borrow such sums of money at such rates of interest not contrary to law, upon such terms as said company or board of directors agrees upon, and may be necessary or expedient, and may execute one or more trust deeds or mortgages, or both, if occasion may require, on its road, branches, or both, or upon its other property, or upon all of its property, whether the said road or branches have been completed or may be in process of construction by said company for the amount or amounts borrowed or owing by said company, as its board of directors shall deem expedient. The said company may make deed or deeds of trust, or mortgage, for transferring its railroad track or tracks, depots, grounds, rights, privileges, franchises, immunities, machine houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in connection with the road in any manner then belonging to said company or which shall thereafter belong to it as security for any bonds, debts or sums of money as may be secured by said deeds of trust or mortgages as it shall think proper.

Sec 6. The capital stock of said company shall be one hundred thousand dollars, and the same may be increased from time to time as the majority of the stockholders may determine up to one million dollars: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him upon payment of the fees required by law. The stock of said company shall be in shares of one hundred dollars each, for which, when fully paid for, certificates shall be issued which shall be non-assessable, and each share shall entitle the holder to one vote, and the stockholders shall not be individually liable for the debts of the corporation; said shares of stock shall be transferable in such manner as the by-laws of the company may provide. The books of subscription shall be opened by the incorporators or a majority of them at such time or times, place or places, and under such rules and regulations as they or the majority of them may prescribe. The said corporators or a majority of them, acting in person or by proxy, after the sum of ten thousand dollars shall have been subscribed, shall call a meeting of the subscribers to the said capital stock for the purpose of completing the organization of the company, and at such meeting the said subscribers to the capital stock shall elect a board of directors consisting of not less than three and not more than eleven members, which shall immediately elect one of its members president of said company. The stockholders of the company shall elect the directors, and the directors shall elect the president, vice-president and other officers of the company, and none of them except the directors, president and vice-president need be a stockholder. The principal office of said company shall be within the State of North Carolina.

Capital stock.
Increase of capital.
Proviso.
Shares.
Stockholders not individually liable.
Books of subscription.
Meeting for organization.
Election of directors.
Election of president and other officers.
Principal office.

Sec. 7. The subscription to the capital stock of said company may be made in money, land or materials, or in bonds, stocks or other valuable credits, in such manner and upon such terms as may be agreed upon by the president and directors of the said company, and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited, as well as all previous payments thereon, to the benefit and use of said company, but before so declaring it forfeited, said stockholder shall have served upon him a notice in writing in person or by depositing said notice in the post-office (post-paid), directed to him at the post-office nearest his usual place of abode, stating that he is required to make such payment in sixty days from the date of said notice, [which] shall be served or mailed sixty days prior to the day on which payment is required to be made. The directors of the company may, if they see proper, authorize the treasurer or secretary of said company to sell at public auction the stock of any delin-

Payment of subscriptions.
Enforcement of payment.

quent subscriber, and the same shall be sold subject to the payment of the balance due on said stock, which shall be a first lien thereon and on the proceeds thereof.

Power of consolidation.

Sec. 8. The said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real and personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this State or any other State, whenever a majority of the stockholders of the company hereby chartered may desire; when the two or more railroads so to be merged shall and may form a continuous line of railroad with each other by means of intervening road or roads, said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve.

Power to purchase or lease other roads.

Sec. 9. That the said company may have power to take, buy, purchase or lease the railroad, franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere, and may subscribe to, purchase, or hold the whole or any part of the capital stock, bonds or credits of any other corporation incorporated under the laws of this State or any other State, whether the said corporation is now in existence or may be hereafter created, and may guarantee or endorse such bonds or stocks, or either. It may assign or lease its property or franchises, or any part thereof, to any other railroad company incorporated by the laws of this State or any other State, and the railroad company leasing or purchasing this road shall hold, own, and enjoy the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the said railroad company so leasing or purchasing shall be entitled to all the property, franchises, privileges and immunities belonging or appertaining to the company incorporated by this act. The company shall have power to represent the capital stock by it held in other companies through an agent or proxy appointed by the president of the company. This company shall have the power to use any section or portion of its road or any other lines before the whole of the same shall have been completed.

Power to sell or lease.

Meetings of stockholders.

Sec. 10. That a meeting of the stockholders shall be held annually at such time and place as may be determined by them, and at all such annual meetings the president and directors shall render the stockholders an account of the affairs of the company.

President and directors to make expenditures and contract debt.

Sec. 11. That the president and directors of said company, under authority of the stockholders, shall have power to make

such expenditures and contract such debts as may be necessary for the construction or operation of its railroad or other business.

Procedure for condemnation of lands.

Sec. 12. Whenever for any cause this company is unable to agree with the owners of land over or near which it proposes to extend its road for the purchase of such land for its depots, road-beds, warehouses or other purposes of the company, the said company may proceed to have such land condemned and entered in the manner provided in chapter sixty-one of the first volume of the Revisal of one thousand nine hundred and five of North Carolina. If the said company shall pay to the parties or into the court the sum appraised by the appraisers, then and in that event the said company may enter and take possession of and hold said lands, notwithstanding the pendency of the appeal, until final judgment is rendered on such appeal, and the appellant or owner of the premises shall not be entitled to an injunction, restraining order or other process that would hinder, delay or obstruct the work. In the event that the true owner of the property taken as above mentioned is not notified as above provided, then such owner may within two years, but not afterwards, petition the Superior Court of the county in which the land lies for assessment of the value thereof, but no action or ejectment shall be brought by him nor the occupation or possession of the company in anywise disturbed, unless within the time fixed by the court it shall fail to pay such damages as may be assessed for the value thereof: *Provided, however*, that in case the true owner be at the time of said occupation under any legal disability, he may file a petition for an assessment of the damages within two years from the removal of such disability.

Entrance upon payment of appraised damages.

Petition for assessment of damages.

Limit on right of condemnation.

Sec. 13. The right of said company to condemn or take land under this act shall be limited to a space of fifty feet on each side of its road-bed, measuring from the middle line of the same, except in case of deep cuts or high embankments, when the said company shall have the right to condemn as much in addition thereto as may be necessary for the construction of its road, and except, also, that if for depots, warehouses, stations, station grounds, shops or yards, gravel pits or other purposes necessary for the construction and operation of said road, it may condemn not exceeding ten acres in any one place.

Counties, townships, cities and towns to subscribe to stock.

Sec. 14. That any county, township, city or town along or near the line of the constructed or proposed road of this company may subscribe to the capital stock of said company, either in money, bonds, securities or other property in the following manner: Upon the presentation of a petition in writing, signed by not less than twenty-five per centum of the voters of the county, township, city or town, to the board of commissioners of such county or other proper authorities of such city or town, requesting them to submit to the qualified voters of the county, city or town or township where such petitioners may reside, a

Method of calling election for subscription.

proposition to subscribe a definite sum to be named in said petition, and whether in money, bonds or otherwise, to the capital stock of the company, the board of commissioners of said county or other proper authorities of such city or town shall submit to the qualified voters thereof the question of subscription to the capital stock of the said railroad company in the amount to be specified in the petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which there shall be written or printed the words "Against Subscription," and an election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as provided for the election of the county, township, city or town officers by the general election laws of this State. Such election shall be held after thirty days' notice thereof, specifying the amount of the proposed subscription, shall have been posted at the court-house door of such county and at every polling place in such county where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or to the proper authorities of said city or town. If a majority of the qualified voters shall vote for subscription, then the board of commissioners of said county or proper authorities of said city or town shall meet and make such subscription, and shall issue coupon bonds to the amount of said subscription in order to pay the same; and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denominations of not less than one hundred dollars and not more than one thousand dollars, and each shall run for such number of years and bear such rate of interest, not exceeding the rate prescribed by law, as the petition and order of election shall indicate. They shall be signed, if issued by a county or township, by the chairman of the board of commissioners and by the clerk of said board, witnessed by the official seal thereof, and if issued by a city or town they shall be signed by the mayor and one of the aldermen of such city or town, witnessed by their official seal, if they have one, if not, by the private seal of the mayor and alderman issuing.

Election to be ordered.

Ballots.

Law governing election.

Notice of election.

Bonds to be issued.

Denominations and terms.

Interest.

Authentication.

Special tax for interest and sinking fund.

Sec. 15. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes, shall in order to provide for the payment of the bonds and interest thereon to be issued under the preceding section, compute and levy each year, at the time of levying their other taxes, a sufficient tax upon the property and polls in said county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at

maturity. That the taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officers of said county, township, city or town to the treasurer thereof, and the taxes levied and collected for this purpose shall be kept distinct from all other taxes and also shall be used for the purpose for which they are levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing said bonds [or] in which there is a township issuing said bonds, or the proper authorities of the city or town issuing said bonds: *Provided*, that whenever practicable the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not exceeding the par value thereof. In the event that the property, rights, franchises or any part thereof of this company are hereinafter acquired under the provisions of this act by any other company, the board of commissioners of any county making such subscription or in which there is a township making such subscription shall be and is hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

Collection and settlement of taxes.

Investment of sinking fund.

Proviso: specific investment of sinking fund.

Transfer of subscription authorized.

Sec. 16. For the purposes of this act all townships and counties along or near the line of the constructed or proposed road of this company which may vote to subscribe to the capital stock of this company as provided by this act, shall be and are hereby declared to be respectively bodies politic and corporate and vested with full power to subscribe as provided for in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the liberties in respect to any of the rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which any such townships are located are hereby declared to be corporate agents of the said townships so incorporated and situated within the limits of said counties respectively, for the purpose of issuing the bonds of said township or townships and providing for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds and to provide a sinking fund as hereinabove mentioned, and the said board of county commissioners of any county subscribing to the capital stock of this company, or in which any township is situated subscribing to the capital stock thereof, shall have the right and authority to represent and vote the stock of the said county or township in any stockholders' meeting, or it may appoint an agent or proxy therefor.

Townships and counties declared corporate.

Corporate powers.

County commissioners corporate agents.

Sec. 17. The board of directors of the penitentiary of this State, or any other State in which this company may extend its

Convicts to be furnished.

lines, may upon the application of the president of this company, approved by the Governor of the State, turn over to said company convicts not otherwise appropriated or needed, in the discretion of said board, not more than one hundred in number, to be worked on the construction of said road upon such terms as may be agreed upon, the said convicts to be guarded and superintended by the authorities of the penitentiary and be hired to said company, as is now or may hereafter be provided by law.

Dams, culverts and bridges.

Sec. 18. This company shall have power to construct dams and culverts, trestles, bridges over and across streams, valleys and depressions, and to cross any navigable stream or canal on its road. It shall likewise have the right to cross at grades, over or under any railroad constructed or that may be hereafter constructed in the State, at any point on its road.

Time to begin work.

Sec. 19. The said company shall have three years within which to begin the work of building and constructing the said road herein provided for, and may begin at any point on the line of its route.

Sec. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 471.

AN ACT TO EXTEND CRIMINAL JURISDICTION OF THE MAYOR OF TOISNOT, IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Laws, regulations and ordinances extended to adjacent territory.

Section 1. That all laws, regulations and ordinances for the government of the town of Toisnot, in Wilson County, that are now in force or may hereafter be enacted, be and the same are hereby extended so as to be effective and enforcible not only in said town as now, but within one-half mile from the corporate limits of said town.

Warrants and precepts of mayor.

Sec. 2. That the warrants and precepts of said Mayor of Toisnot may be executed within the territory above described by any policeman of said town or by any officer authorized to execute criminal process in Wilson County, without endorsement.

Sec. 3. That all laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 472.

AN ACT FOR THE RELIEF OF GEORGE W. SMITH, OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That George W. Smith, of Watauga County, be and he is hereby allowed to practice dentistry in the county of Watauga and the county of Ashe without further license. To practice dentistry.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 473.

AN ACT TO FURTHER AMEND THE CHARTER OF CHERRYVILLE, IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and fourteen of the Private Laws of one thousand eight hundred and eighty-nine be amended by striking out of line two of section three thereof the words "three commissioners," and inserting in lieu thereof the words "not less than three nor more than seven commissioners; the number to be fixed by the board of commissioners in its order calling the election." Number of commissioners.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 474.

AN ACT TO AUTHORIZE THE LEVYING OF A SPECIAL TAX FOR SCHOOLS IN CERTAIN TERRITORY IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the following described territory be and the same is hereby constituted a school district: Beginning at the fork of Little River, and running east with the said river to Mrs. P. A. Blue's line; thence with her western line to Duncan Ray's land; thence with his western line south to Miss Mary School district constituted. Boundary.

Ray's land; thence south to T. D. McLean's land; thence its eastern boundary to I. F. Chandler's line; thence south with his eastern boundary to J. K. McLean's line; thence as his north line, east line, south line, west to B. Von Herff's land; thence with his western line to the head of Canoe Branch; thence down said branch to the head of Mill Creek; thence west with said creek to its head; thence west to Manly and Carthage Road; thence north to Shields Road; thence west to stock-law fence; thence west to Carthage and Pinehurst Railroad; thence north, including railroad bed, to Juniper Creek; thence with said creek to Little River; thence with said river to McKenzie's Bridge; thence north with the road to Culdee Church; thence north with the road leading from said church to the lands of the heirs of Dan. McKenzie; thence with his west line to the river; thence down said river to west line of the estate of William Black; thence with his west line north crossing the river; thence with his northern boundary to the Carthage and Manly Road; thence to the Carthage and Pinehurst Railroad; thence north, including railroad bed, to Wad's Creek; thence down said creek to J. K. and T. D. McLean's land; thence on their northern boundary to Little River; thence down said Little River to the beginning.

Election on special tax to be ordered.

Sec. 2. That within sixty days from the ratification of this act the County Commissioners of Moore County shall order an election to be held in said territory to submit to the qualified voters thereof the question of levying a special annual tax for the support of the public school in said district. Said election shall be held at such place and time as shall be designated in the order, and the registration shall be had and election held under the rules and regulations prescribed by law for the election of members of the General Assembly, and the results thereof shall be canvassed and declared in like manner. A registrar and two judges of election shall be appointed by the county commissioners for holding said election at the time of ordering the same.

Time and place of election.

Law governing election.

Canvass of result.

Registrar and judges of election.

Ballots.

Sec. 3. At said election those favoring the levying of said tax shall vote a ballot on which shall be written or printed the words "For School Tax," and those opposed shall vote a ballot on which shall be writen or printed the words "Against School Tax."

Special tax.

Tax limit.

Sec. 4. If at said election a majority of those voting shall vote "For School Tax," the county commissioners shall, at the time of levying other taxes, levy a tax not exceeding ninety cents on the poll and thirty cents on the one hundred dollars' worth of property, upon the polls and property in the district described, which tax shall be collected as other taxes are, and shall be used for the support of the public schools of said district.

Sec. 5. The polls and property of said district shall be free from any other special local school tax heretofore authorized, provided the majority of those voting as herein stated vote "For School Tax" at the election herein provided for. Special tax heretofore authorized.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 475.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter ninety-three of the Private Laws of one thousand nine hundred and five, entitled an act to amend the charter of the city of Asheville, to establish an electric light and reservoir commission for said city, and to authorize said commission to issue bonds, be and the same is hereby amended by adding the following section to said act: "That the city of Asheville be and it is hereby authorized to contract an indebtedness for the purpose of constructing the reservoir hereinbefore in this act mentioned; said reservoir being an essential part of the water system of said city, and the cost of construction thereof being a necessary expense of said city; said indebtedness not to exceed forty-six thousand dollars ($46,000); and to issue its notes or short time bonds running for such time and payable at such place, in such manner and upon such terms as may seem best to said board of aldermen of said city of Asheville; said notes or bonds to bear a rate of interest not exceeding six per cent. per annum, interest payable semi-annually; and the payment of the principal and interest of said notes or bonds is hereby made a first lien upon the receipts of the water department of the said city, the amount of the receipts therefrom applicable to such purpose each year, the manner of preserving said receipts for said purpose and the method and details of securing the application of the same to the purpose aforesaid to be provided for in the discretion of the board of aldermen of said city." City authorized to contract debt. Limit. Bond or note issue authorized. Interest. Lien on receipts from water-works.

Sec. 2. That the Board of Aldermen of the City of Asheville be and it is hereby vested with absolute discretion to determine whether the method of raising funds for the purpose of building said reservoir provided for in the next preceding section hereof, or that provided in chapter ninety-three of the Private Laws of Discretion vested in board of aldermen.

one thousand nine hundred and five, entitled an act to amend the charter of the city of Asheville, to establish an electric light and reservoir commission for said city and to authorize said commission to issue bonds, shall be adopted and pursued.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 476.

AN ACT TO CHANGE THE BOUNDARIES OF THE SANFORD GRADED SCHOOL DISTRICT, IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and sixteen of the Private Laws of one thousand nine hundred and five be amended by striking out all of section one of said act after the word "following," in line four, and substituting in lieu thereof the following:

Boundary. "Sec. 1. That the following described territory in Sanford Township, Moore County, viz.: Beginning at the intersection of the corporate limits of the town of Sanford with the Southern Railroad, and running thence a direct line to the old Levi Gunter residence; thence, so as to include said residence, direct to the stock-law fence west of G. W. Temple's barn; thence with said fence around to the west side of Temple's residence to the old lightwood stump beside the fence, hickory pointer; thence east, crossing said road (McQueen Road) at the corner of Temple's fence on the side of the same, passing near two small persimmon trees, to a red oak on the east side of the road running from Sanford to Colon, by way of Turner's Chapel, three pines, pointers; thence with said road southward to a little cedar on the east side of said road by M. E. Wicker's fence, white oak, gum and little plum bush pointers; thence south seventy, east, passing east of said Wicker's house, to an old lightwood stump on the east side of the Jonesboro Road; thence as the Jonesboro Road southward to its intersection with the Kelly Mill Road; thence with the Kelly Mill Road to Mrs. F. J. Burke's northwest corner, in Miss Clow's line; thence as Miss Clow's line in a southwestly direction to a large pine, Clow's, Johnson's and McNeill's corner; thence as the line between Johnson, McNeill and Ray, to Ray's and Johnson's corner; thence as their line southward to their corner; thence east to the Jonesboro Road; thence as said road southward to where Ray's and Harrington's line crosses the same, to a little persim-

mon tree on the west side of said road; thence with Ray's line westward to Harrington's and Acree's corner in Ray's line; thence as Acree's and Ray's and Acree's and Monroe's line to Acree's and Monroe's corner; thence a direct line to a stake in Mrs. Eva Acree's line, in the old road south of the old Bryan residence; thence a direct line to Field's and Mann's corner in the old Bryan line; thence as Mann's north line, to Mann's and Bryan's corner in John Gonella's line; thence as Gonella's east and south boundary line, crossing the railroad, to the west line of the right-of-way of the Seaboard Air Line Railroad; thence with said right-of-way northward to the Atlantic Coast Line quarry siding, near the overhead bridge; thence a direct line to the south corner of the Sanford Manufacturing Company's land; thence running around on the west side of their land with their various lines to W. H. Watson's and Bethia Tyson's corner, in said company's line; thence running eastward with Watson's and Tyson's line to Watson's corner in Tyson's line; thence with Watson's line to the right-of-way of the Atlantic Coast Line Railroad; thence as said right-of-way to a stake on the same nearly in front of the colored Baptist Church; thence north fifty-four east crossing said railroad and running as W. T. Buchnan's line on the north side of his land, to Little Buffalo Creek; thence north sixteen east to J. D. Mann's southeast corner on Market Street; thence as his line, westward and passing his corner, to Little Buffalo Creek; thence up the various courses of said Little Buffalo Creek to a stake in the same; thence south seventy-two west passing between Sam. Brewer's house and the jewelry store belonging to the Sanford Sash and Blind Company to a stake on the right-of-way of the Atlantic Coast Line Railroad, on the east side of said road; thence with said right-of-way southward to a stake on the same; thence south fifty-four west to a stake on the right-of-way of the Seaboard Air Line right-of-way, east side; thence southward with the same to a stake on the same; thence south eighty-seven west crossing said railroad and running with Moffit Brothers' line on the south side of their land to their southwest corner; thence with their line northward to another of their corners; thence north thirty-nine west crossing Wicker Street to a stake in Davis' line; thence south fifty-five west to a stake on the line between J. W. Scott and D. E. McIver; thence as the line of D. E. McIver south thirty-five east to the corner of D. E. McIver and the J. C. Wicker heirs, in Vance Street; thence in a westerly direction with McIver's line to the corporate limits of the town of Sanford; thence in a northerly direction as the said corporate limits of the town of Sanford to Dry Creek; thence as D. E. McIver's line to a point on Summit Avenue two hundred feet west of the northwest intersection of Summit Avenue and Endor Street; thence north thirty-five west to the Rock Quarry Branch; thence as the said branch

to the western corporate limits of the town of Sanford; thence with the said corporate limits to the beginning, shall be and is hereby constituted the Sanford Graded School District."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 477.

AN ACT TO DEFINE THE JURISDICTION OF THE RECORDER'S COURT OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Jurisdiction.

Section 1. That the jurisdiction of the Recorder's Court of Rocky Mount shall be confined to offenses committed within the corporate limits of the city of Rocky Mount and within one mile around and beyond said corporate limits.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 478.

AN ACT TO AMEND CHAPTER 367 OF THE ACTS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA OF 1891, ENTITLED "AN ACT TO INCORPORATE THE NORTHAMPTON AND HERTFORD RAILROAD COMPANY," SO AS TO ENABLE SAID COMPANY TO PURCHASE OR CONSTRUCT RAILROADS, TO UNITE OR MERGE WITH OTHER ROADS, TO LEASE AND OPERATE OTHER ROADS, AND TO LEASE ITS ROAD AND CORPORATE RIGHTS TO OTHERS.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter three hundred and sixty-seven of the Public Laws of North Carolina, session of one thousand eight hundred and ninety-one, be amended so as to add to said section the following: "That the said company is hereby authorized to construct, purchase, equip and operate a railroad or railroads of any gauge it may choose, from some point on the Seaboard Air Line Railway in the county of Northampton to Jack-

Power to construct, purchase, equip and operate railroad. Termini.

son and to some point on the Chowan or Roanoke River, and to construct such branches from said road to any point or points desirable. The said company may unite or merge with any other railroad at any time the board of directors may determine, which shall be in effect as soon as ratified at a stockholders' meeting by a vote of the holders of a majority of the capital stock present at such meeting. The said company may purchase, lease and operate railroads and equipment, and may lease the whole or part of its own road and equipment for such time and on such terms as may be agreed upon. That nothing in this act shall be construed to authorize a discontinuance of said road." Branches. Power of merger.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 479.

AN ACT TO ALLOW THE TOWN OF TAYLORSVILLE TO PROCURE A POLICE OUTSIDE OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the Town of Taylorsville, the mayor consenting thereto, and its successors in office are hereby authorized and empowered to employ any person or persons in their opinion suitable to act as policeman in said town, whether said person or persons live in or out of said town. Employment of persons living in or out of town authorized.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 480.

AN ACT TO AUTHORIZE THE CITY OF ROCKY MOUNT TO ISSUE BONDS FOR THE PROMOTION OF ITS EDUCATIONAL INTERESTS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the City of Rocky Mount is hereby authorized and empowered to issue coupon bonds of said city to the amount of twelve thousand five hundred dollars for the purpose of supplementing such private subscriptions, Bond issue authorized. Amount. Purpose.

donations and grants as may be made to the proposed Eastern North Carolina Training School for Teachers, in order to assure the establishment of such institution in or near said city.

Maturity.

Sec. 2. That such bonds shall be payable or redeemable at such place or places, and at such time or times, not exceeding fifty years from the date thereof, as said board of aldermen may determine; and shall bear interest from the date thereof, at the rate of not more than five per centum per annum, payable semi-annually on the first days of April and October of each year, at such place or places as said board of aldermen may determine. Such bonds shall be signed by the mayor and attested by the city clerk, and shall have the corporate seal of said city affixed thereto. The signatures of said mayor and city clerk may be lithographed upon the coupons attached to such bonds; and the said board of aldermen shall, in all other respects, prescribe the form and tenor of such bonds.

Interest.

Authentication.

Act submitted to election.

Sec. 3. That the provisions of this act in reference to the issuing of bonds and the levying of taxes shall be submitted to the qualified voters of the city of Rocky Mount for ratification or rejection at an election to be called by the board of aldermen of said city within twelve months of the ratification of this act; and such election shall be held as elections for mayor and aldermen are held in said city, and all provisions of the law governing the holding of such municipal elections shall apply thereto, unless herein otherwise provided. Notice that such election has been called shall be published for not less than thirty days in some newspaper published in said city; which notice shall state the purpose of such election and the time at which it is to be held, and shall recite, in full or in substance, the provisions of this section. At such election those favoring the issuing of such bonds and the levying of the particular taxes hereinafter provided for shall vote a written or printed ballot containing the words "For Training School Bonds," and those opposing the issuing of such bonds and the levying of such taxes shall vote a like ballot containing the words "Against Training School Bonds."

Law governing elections.

Notice of election.

Ballots.

Number of voters to be incorporated in returns.

Sec. 4. That it shall be the duty of the registrar and judges of election of the several wards or voting precincts of said city to incorporate in the returns of the result of such election in their respective wards or voting precincts the number of qualified voters therein as shown by the registration books. The board of canvassers of said city shall, from such original ward or precinct returns, canvass the votes cast at such election, and shall judicially determine and declare the result thereof. Said board of canvassers shall prepare and file with the city clerk an abstract, setting out the number of votes cast, and how cast, in the several wards or voting precincts of said city at such election, the number of qualified voters therein, and the result of such election as

Canvass.

Abstracts.

judicially determined and declared by said board, and said city clerk shall record such abstract as a permanent record of said city.

Issue and sale of bonds.

Sec. 5. That, should the result of such election be favorable to such bond issue, the board of aldermen of said city may, when deemed necessary for the furtherance of the purposes of this act, issue such bonds to the amount of twelve thousand and five hundred dollars as hereinbefore provided; and said board of aldermen may likewise sell such bonds for not less than the par value thereof, in such manner and upon such terms as may be deemed most advantageous.

Particular taxes.

Sec. 6. That, for the purpose of providing for the payment of such bonds and the interest thereon, the board of aldermen of said city, at the time of levying other municipal taxes for the fiscal year beginning the first day of June next succeeding the date of such election, and annually thereafter, shall levy and lay the following particular taxes:

Property tax.

(1) On all real and personal property within the corporate limits of said city, including money and solvent credits, and on all subjects of taxation upon which an *ad valorem* tax is or may be imposed by the General Assembly, a tax not exceeding five cents on every one hundred dollars of valuation.

Capitation tax.

(2) A capitation tax of not more than fifteen cents on every taxable poll of male persons residing within the corporate limits of said city on the first day of June of each year.

Collection and settlement of taxes.

Sec. 7. That such taxes shall be collected by the city tax collector as other municipal taxes are collected, and by him paid over to the city treasurer; and said city treasurer shall pay out such moneys only upon order of the board of aldermen.

Funds to be kept separate.

Sec. 8. That the city treasurer shall keep all moneys realized from the sale of such bonds as may be issued in pursuance of the provisions of this act separate and apart from all other funds in his hands, and shall pay out such moneys only upon order of such board of aldermen; and said board of aldermen is hereby authorized and empowered to donate the same to the said Eastern North Carolina Training School for Teachers, upon its establishment in or near the city of Rocky Mount.

Appropriation.

Sec. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 481.

AN ACT TO INCORPORATE THE M. L. JONES COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Corporate name.

Corporate powers.

Section 1. That Milton L. Jones, A. E. Jones and C. H. Basshor, or any two of them, and their successors and assigns, are hereby constituted a body corporate by the name of the M. L. Jones Company, by which name the said corporation shall have all the franchises, rights and privileges incident to a corporation, and as such shall have the power to sue and be sued, plead and be impleaded in all the courts of this State, to make, have and use a common seal, which it may alter at pleasure, and be subject to and have all the privileges, advantages and immunities as provided in chapter twenty-one of the Revisal of one thousand nine hundred and five, entitled "Corporations," and of all other general laws now in force, or which may be hereafter enacted, pertaining to corporations, except as the same may indicate, abridge or in any manner contravene the provisions of this chapter, or destroy or limit the powers, rights or privileges herein granted.

Purpose of corporation.

Enumeration of powers.

Sec. 2. That this company is incorporated for the purpose of carrying on the general business of mining, manufacturing and development, and to that end is empowered to buy, sell, lease, mortgage, convey and take and make title to lands, buildings, franchises, right-of-way, real, personal and other property of any and every description, at any place or places within the State, necessary to carry into effect each and every the purposes and powers of the corporation, and to build, construct, lease and use buildings, plants, water ways, drain ways, railways, streets, roads and highways, canals, dams, reservoirs, water-works, power plants, to be operated by steam, electric, water, or other kind of power. To construct electric light and power plants, gas plants, mills, furnaces, smelters, foundries, warehouses, factories, machine shops and all other kinds of plants and buildings deemed necessary and desirable by the corporation. To buy, purchase, lease, sell, develop, operate and deal with mining and timber lands or other real estate. To lay out, subdivide, improve, sell, lease lands in this State, to promote and advance the interests of the corporation, and to manufacture, furnish and supply water, light, heat and power, ventilating and refrigerating fluids or gases for any and all the purposes of the corporation, and to sell the same to customers of the company or to corporations, individuals, cities and towns, and to lay ducts, drains, pipes, conduits, wires for the proper conduct of the same. To build sewer and power houses, flushing machinery and other plants necessary to secure sanitary conditions. To

conduct all operations necessary for developing mines, timber lands and other real estate, and to improve the same, including the construction and operation of said light, heat, power, refrigerating, transportation, railways, canals, dams and other plants. To manufacture, sell and deal with the products and the property of the manufacturing plants authorized by this charter, which shall include all and any kind of manufacturing plant deemed necessary and desirable by the corporation for general manufacturing enterprises, and the corporation is hereby invested with the powers contained in sections twenty-five hundred and seventy-five, twenty-five hundred and seventy-six, twenty-five hundred and seventy-seven, twenty-five hundred and seventy-eight, twenty-five hundred and eighty-six, twenty-five hundred and ninety-seven of the Revisal of one thousand nine hundred and five, and to have generally all the powers, privileges and franchises necessary and proper to carry into full effect the purposes and plans of this corporation.

Meeting for organization.

Sec. 3. That no notice of publication of the first meeting of the said corporation shall be required, but the same may be held at such time and place as the said corporators or a majority of them may determine, at which meeting they may submit and adopt preliminary by-laws, elect such officers and agents as may be deemed proper and desirable, to hold office for such terms as may be provided, and until others are duly elected or appointed, as may be provided by the by-laws, and fix the duties and compensation to be paid such officers and agents, and determine upon the number of the board of directors to be elected. They shall fix the amount of the capital stock of the corporation, and the value of the shares thereof, which said capital stock shall not exceed one hundred and twenty-five thousand dollars at the organization of the company, but may be increased from time to time by vote of the stockholders, after a written license so to do is granted by the Secretary of State, which license shall be granted after payment to the State Treasurer of forty cents per thousand on such increase, in the manner provided by the Public Laws of North Carolina, acts of one thousand nine hundred and one, chapter two, and they may open books of subscription to the capital stock, and when twenty-five thousand dollars' worth of shares shall be subscribed, the subscribers may meet upon ten days' notice given by any two of the incorporators, and if a majority of such subscribers be present in person or by proxy, they may elect a president and board of directors, who when elected may do and perform all the acts necessary to the complete operation of the corporation, and to carry into effect the objects of this charter.

Capital stock.

Books of subscription. Organization.

Payment of subscription.

Sec. 4. That said corporation may issue its capital stock for money paid into its treasury, or in payment for property, real or personal, or the services rendered to the corporation in such

amounts as the directors may provide or order, and all stock so issued shall be deemed to be, and be, fully paid up stock, and the holders thereof shall not in any event be liable personally for any debt or obligations contracted by the corporation. Subscribers to the capital stock shall be liable only to the extent of their subscription.

Stockholders not personally liable.

Classification and division of stock.

Sec. 5. That the by-laws may prescribe the classes and amounts into which such stock may be divided, the face value of the shares, the manner of paying for the same and transfer thereof, and each share shall entitle the holder to one vote in all the meetings of the stockholders and elections by them held.

Annual meetings.

Sec. 6. That there shall be an annual meeting of the stockholders on such day in each year as shall be fixed by the by-laws, and in case such meeting is not held on such day, for any cause, it may be held at any time thereafter appointed by the board of directors, or upon the call of the stockholders holding one-fifth of the stock of the corporation. Other meetings may be called as provided by the by-laws.

Other meetings.

Principal office.

Agencies.

Sec. 7. The principal office and the place for holding the annual meeting shall be at Thomasville, North Carolina, but the corporation may establish offices and agencies and transact business at such points within the State or elsewhere as the corporation may deem advisable.

Powers in dealing with other corporations.

Sec. 8. That the said corporation shall have the power to organize, connect with, or subscribe to the capital stock, bonds or other securities of other corporations, and to hold the same, or to exchange its own stock, bonds and securities with other corporations which may be engaged in or organized for the conduct of any business or enterprise which may be included under any of the provisions and franchises of this charter, and shall have the power to sell, mortgage or lease any part or the whole of its plant or plants, property and franchises to any other company, corporation or individual, and the company, corporation or individual purchasing the same shall take the same with all the franchises herein granted as appurtenant, and shall manage and use the same under its own corporate or company name or individual management: *Provided*, that nothing herein contained shall authorize the use of this charter and the powers therein granted for the purpose of effecting a consolidation or consolidations of any competing railroads doing business in this State.

Proviso: consolidation of competing railroads forbidden.

Power to issue bonds.

Sec. 9. That this corporation shall have the power to issue bonds in such amount as it may deem expedient, to sell and dispose of such bonds, and to secure the payment of same by mortgage or deed of trust upon any or all of its property or franchises.

Subscriptions.

Sec. 10. That the capital stock shall be raised by donation or subscription on the part of individuals, county, township, muni-

cipal or other corporations, and such donation or subscriptions may be paid in money, labor, land, materials, bonds or other securities, or in any other way that may be agreed upon by the company and its subscribers or donors.

Counties, townships, cities or towns may make donations or subscriptions.

Sec. 11. That any county, township, city or town in or through which the said railroad, branches or lateral railroads may be located, or which is intersected in their construction, is respectively authorized and empowered to make such donations or subscriptions to the capital stock of said company in such amounts as may be settled upon in the manner herein stated: *Provided*, no donation or subscription shall be valid until the same has been ratified and approved by a majority of the qualified voters of said county, township, city or town, as hereinafter provided.

Proviso: donation or subscription to be ratified by voters.

Method of calling election.

Sec. 12. That the boards of commissioners of the several counties, or the municipal authorities of such city or town through which said railroad may pass, or that are interested in its construction, are respectively authorized, empowered and required, upon the written petition of one-fifth of the qualified voters of said county, or upon the written petition of twenty of the qualified voters of any township in either of said counties, or upon the written petition of twenty of the qualified voters of any city or town in either of said counties, specifying the amount in which it is proposed said county or township, city or town make a donation or subscription to the capital stock of said company, and praying that the question of donation or no donation, or subscription or no subscription, be submitted to the qualified voters of said county, township, city or town, to have submitted to the qualified voters of such county or township or city or town, the election of making a donation to said company, or of subscribing to its capital stock, as the case may be, the sum of money specified in said written petition, at which election those in favor of such donation shall deposit a ballot upon which shall be written or printed the words "For Donation," and those opposed to such donation shall deposit a ballot on which shall be written or printed the words "Against Donation." But if the election be to authorize a subscription to the capital stock of said company, then those in favor of such subscription shall deposit a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall deposit a ballot on which shall be written or printed the words "Against Subscription." Such election shall be ordered within ten days after the filing of such petition, to take place at the expiration of a period of at least twenty days from date of the notice of election. That the said county commissioners or municipal authorities, as the case may be, are hereby authorized and required to order a new registration of the qualified voters of said county, township, city or town, for said election. Such election, when ordered, shall be held, if for a county, according

Election to be ordered.

Ballots, if election on donation.

Ballots, if election on subscription.

Time of election.

New registration.

Law governing elections.

to the laws and regulations provided for the election of members of the General Assembly, and the returns shall be made to and canvassed by the board of county commissioners on the Thursday next after the election, who shall ascertain and declare the result and make a record of the same. If the election shall be held in a township, the registrars and judges of election shall, on the Thursday next after said election, make returns to the board of county commissioners, which shall canvass the same and ascertain and declare the result and record the same. If the election shall be held for a city or town, it shall be conducted as elections for municipal officers; and the municipal authorities, upon the registrars and judges of said election making returns of said election on the Thursday next after said election, shall ascertain and declare the result and make record of the same.

Donation or subscription to be made.

Sec. 13. That in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted for donation or subscription, as the case may be, the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities in case of city or town elections, shall be authorized and required to donate or subscribe to the capital stock of said company in behalf of said county, township, city or town, as the case may be, the sum which may have been moved in said petition, which donation or subscription shall be made within twenty days after the ascertainment of the result of the vote, in coupon bonds, bearing interest as aforesaid at a rate of interest not to exceed six per cent. per annum, payable on the first day of January in each year by the treasurer of the county. In case of county or township donation or subscription [by the board of commissioners of said county or county in which said township is situated] in which said county or township is situated, or in case of city or town making said donation or subscription by the treasurer or other proper municipal officers of said city or town, for the full sum donated or subscribed by said county, township, city or town, and all tax levied for the purpose of raising funds to pay said bonds or the interest shall be made upon the polls and taxable property in such counties, townships, cities or towns. Said bonds shall express on their face by what authority and for what purpose they are issued. They and the coupons shall, in case of county or township donation or subscription, be signed by the chairman of the board of county commissioners [of said county, or county] in which said township is situated; and in case of said city or town donation or subscription, bonds and the coupons shall be signed by the mayor and board of aldermen of said city or town, or other proper municipal officer, and countersigned by the Clerk of the Superior

Donation or subscription in bonds.

Interest.

Authentication.

Court of the county in which is situated the said county, township, city or town; and said bonds shall be sealed with the seal of office of the Superior Court Clerk and also by the seal of the said county, township, city or town, if they have a common seal, and shall be payable in thirty years after the first day of January next after they are issued, and may be redeemed at any time after the expiration of five years from the date of their issue.

Maturity.

Right of redemption.

Sec. 14. That to provide for the payment of interest on said bonds, and their redemption at or before maturity, the board of county commissioners aforesaid, or the municipal authorities of any city or town donating or subscribing, shall, in addition to all other taxes, each year compute and levy on all property and polls of any such county, township, city or town as may make a donation or subscription of bonds to the said company a sufficient tax to pay said interest as it falls due, and also to provide a sinking fund sufficient to pay the principal of said bonds at their maturity, which amount shall annually be collected as other taxes, and paid to the county treasurer or other proper officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him to be invested in said bonds, which shall be cancelled by the county commissioners or the municipal authorities of the city or town, as the case may be. If such investment cannot be made in the said bonds, then the moneys belonging to the sinking fund shall be invested as the proper authorities may direct.

Special tax for interest and sinking fund.

Collection and settlement of tax.

Investment of sinking fund.

Sec. 15. That for the purpose of this act, all the counties, townships, cities or towns through any portion of which said railroad may pass, or along or near its lines, or at any terminal point thereof, or at or near the lines of its extensions, its branches, lateral or connecting roads, or at their terminal points, or which may be interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with all the necessary authority and power to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act, and shall have the power and authority by a vote of the majority of the qualified voters of the county, township, city or town to make a donation to said company in bonds, money, or its equivalent in real or personal property, or a subscription to its capital stock. The county commissioners of the respective counties in which are situated the respective townships donating or subscribing are declared to be the corporate agents of the townships as incorporated and situated within the limits of the said counties respectively.

Counties, townships, cities and towns declared corporate.

Corporate powers.

County commissioners corporate agents.

Right to condemn land.

Limit.

Sec. 16. That said company shall have the right to have land condemned for right-of-way and for necessary warehouses and other buildings, according to existing laws; that the right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of its road-beds along the main track and its branches, measuring from the center of the same; and shall have full power and authority to sell or lease its road-beds, property and franchises to any other corporator or person, and to purchase or lease and hold the bonds or stock of any other railway in the State, or to consolidate with any connecting line of railway.

Right to cross railroads and other roads.

Sec. 17. That the said railway company shall have the right to construct its railroad across other railroads and other roads at convenient points, in such way as to do the least damage and occasion the least inconvenience.

Power of consolidation.

Sec. 18. That for the purpose of constructing said road the said company shall have power to consolidate with any railroad company, and consolidate the assets of any and all such companies for the above mentioned or other lawful and legitimate purposes, and have power to accept donations in bonds or money, gifts or property, real or personal, to its capital stock.

Right to borrow money and issue bonds.

Interest.

Mortgage.

Sec. 19. That said company shall have the right and authority to borrow money and to make, to issue, negotiate and sell its bonds in such sums and to such amount, not exceeding fifteen thousand dollars for every mile of said railway in operation, as to the directors may seem expedient; and said bonds shall bear interest at a rate not to exceed six per cent. per annum, and shall be payable at such times and places as the board of directors may determine; and the said company shall have power to cause the payment of the same, principal and interest, to be secured by one or more mortgages or deeds of trust on its property, estate, rights and franchises, including its road-beds, superstructures and real and personal estate of whatever kind, on such terms and to such trustee or trustees as the board of directors may think proper; and said mortgage or deed of trust, when duly registered, shall have precedence over all other liens on said property.

Injury to plant of company a misdemeanor.

Punishment.

Sec. 20. That if any person or company shall obstruct or destroy any of the plants, property, railways, water ways, roads, conduits, or any other lines or equipment of the corporation, by cutting trees into or across the same, or by ditching, embankment, or in any other manner whatsoever, they shall be guilty of a misdemeanor and upon conviction be fined or imprisoned or both in the discretion of the court, and the corporation is hereby fully authorized to remove any such obstruction.

Term of corporation.

Sec. 21. That the corporation is hereby granted all the privileges contained in this charter, to it and to its associates and successors for sixty years, and all laws or parts of law in conflict with this

act are hereby repealed, in so far as they affect this corporation, and no further. Unless this corporation shall organize and begin operations within three years, this charter shall be forfeited. Time to begin operation.

Sec. 22. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 482.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARTHAGE.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Carthage, county of Moore, shall be and continue as they have heretofore been a body politic and corporate, and shall bear the corporate name of The Town of Carthage, and under such name and title are hereby invested with all property and rights of property which now belong to the corporation under any other corporate name or names heretofore used, and by this name may sue and be sued, plead and be impleaded and acquire and hold and dispose of for the purpose of its government, welfare and improvement all such real and personal estate as may be conveyed, devised or bequeathed to it or condemned for its uses by proper proceeding, and shall have and be invested with all the rights, privileges and powers belonging or appertaining to other municipalities in this State. Corporation continued. Corporate name. Corporate powers.

Sec. 2. The corporate limits of The Town of Carthage shall be extended and be and embrace a territory two miles square, two sides of which shall run north and south, and the other two sides east and west, so as to put the court-house of the county of Moore in the center of said square. Corporate limits.

Sec. 3. The present mayor and commissioners and other officers of The Town of Carthage shall be and the same are hereby declared to be like officers with the powers and duties of The Town of Carthage until their successors are elected and qualified as hereinafter provided. Present officers continued.

Sec. 4. The officers of The Town of Carthage shall consist of a mayor and five commissioners, to be elected by ballot on Tuesday after the first Monday of May, one thousand nine hundred and seven, and biennially thereafter, under the laws, rules and regulations prescribed by the general laws of the State as to town and city elections; also a constable, secretary and treasurer, to be Town officers.

chosen by the board of commissioners immediately after its organization, to hold for one year or until their successors are elected and qualified.

Qualifications for mayor, commissioners and voters.

Sec. 5. That any qualified voter of this State shall be eligible as mayor or commissioner and entitled to vote in the municipal elections of said town: *Provided*, he shall have resided within the corporation for ninety days next preceding the election.

Town elections.

Sec. 6. The election of officers of said town shall be held and conducted as prescribed by the general laws of the State, except as modified by this act. Ballots voted at any election need not be of the same size.

Ballots.

Count of votes and declaration of result.

Sec. 7. At the close of the election the votes shall be counted by the registrar and judges of election; and of such persons voted for as mayor the one having the largest number of votes shall be declared duly elected mayor, and of such persons voted for as commissioners the five receiving the largest number of votes shall be declared duly elected; and the officers thus elected shall be notified of their election within two days after the same by the inspectors.

Notification to officers-elect.

Settlement of ties.

Sec. 8. That if among the persons voted for for mayor there shall be an equal number of votes between any two or more receiving the largest number of votes, the commissioners-elect shall proceed, within five days after their qualification, to elect a mayor of and from such persons thus tied, and if there should be a like tie among the commissioners thus voted for, the remaining commissioners shall decide the tie within three days after their said qualification.

Poll and registration lists.

Sec. 9. That the registrar and judges of election shall certify and subscribe the poll and registration lists and return them to the town secretary, who shall take charge of and preserve the same.

Mayor and commissioners to qualify.

Sec. 10. That the mayor and commissioners, after election and before entering upon the duties of their respective offices, shall take and subscribe (the mayor before some justice of the peace and the commissioners before the mayor) the following oath:

Form of oath.

"I, A. B., do solemnly swear that I will faithfully and diligently endeavor to perform the duties of the office of mayor, or commissioner, to which I have been elected. So help me, God."

Commissioners to fill vacancies.

Sec. 11. That if any person who shall be elected mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification by reason of resignation or otherwise, or if the mayor be temporarily absent from the town, or be unable to discharge the duties of his office from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tempore*, or to fill the unexpired term; and likewise in case of commissioner refusing to qualify, or in case of resig-

Mayor pro tem.

nation or inability to act, the remaining commissioners shall elect some suitable person within the limits of said town to fill the vacancy.

Forfeit for refusal to qualify and act.

Sec. 12. That any person elected mayor or commissioner for said town who shall refuse to qualify and act as such, shall forfeit and pay to the equal use of the town and of him who shall sue therefor the sum of twenty dollars.

Jurisdiction of mayor.

Sec. 13. That the mayor, as a peace officer, shall have within the corporate limits all the powers and authority of a justice of the peace, and, as a judicial officer within the same, all the power, jurisdiction and authority necessary to issue process upon, and to hear and determine all cases arising upon, the ordinances of the board of commissioners, to impose penalties upon any adjudged violation thereof, to fine and imprison either in the guardhouse of the town or the common jail of the county, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the Superior Court of Moore County upon recognizance with security for his appearance at the next term thereof.

Proviso: appeals.

Precepts of mayor.

Sec. 14. That the mayor may issue his precepts upon his own information for any violation of any town ordinance without a written affidavit, and he may issue the same to any constable or marshal of the town, or to such other officer to whom a justice of the peace may direct his precepts.

Mayor to preside at meetings of commissioners.

Sec. 15. The mayor shall preside at all meetings of the town commissioners, and vote in no case except in an equal vote between said commissioners, then he shall give the casting vote. He shall keep a faithful minute of all precepts issued by him, and of all his judicial proceedings; judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the courts of Moore and elsewhere, and by the same means and manner as if the same had been rendered by a justice of the peace of Moore County.

To keep minutes.

Force of judgments.

Violation of ordinance a misdemeanor. Punishment.

Sec. 16. That every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars, or of imprisonment not more than thirty days.

Mayor to imprison for fines.

Sec. 17. That the mayor shall have power to imprison for fines imposed by him under the provisions of this act, and in such cases the prisoner shall only be discharged as now or as may be provided by law.

Fines to use of town.

Sec. 18. That all fines collected under the provisions of the foregoing act for violations of town ordinances shall go to the use of the town.

Fees and salary of mayor.

Sec. 19. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases, and an additional

salary to be allowed by the board of commissioners, not to exceed three hundred dollars a year.

Jurisdiction of mayor.

Sec. 20. That the mayor shall have and it shall be his duty to exercise all the jurisdiction, powers and duties in all criminal matters given to justices of the peace under the general laws of the State, subject to the restrictions and limitations contained in said general laws: *Provided*, the mayor shall not take jurisdiction of any offense committed beyond the limits of the town.

Commissioners to form one board. Quorum.

When to convene.

Sec. 21. The commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners unless otherwise provided. Within five days after their election, they shall convene for the transaction of business, and shall fix their stated days for meeting during the year, which shall be as often as once a month during the same. Special meetings of the commissioners shall also be held on the call of the mayor, or a majority of the commissioners, and of every such meeting when called by the mayor, the commissioners not joining in the call shall be notified in writing.

Stated meetings.

Special meetings.

Forfeit on commissioners for failure to attend meetings.

Sec. 22. If any commissioner shall fail to attend a regular meeting of the board, or any special meeting of which he may have had lawful notice, unless prevented by such causes as shall be satisfactory to the board, he shall forfeit and pay to the use of the town the sum of one dollar, and upon refusal to pay such forfeiture when called on by the town marshal, he shall be deemed to have forfeited his office, and the remaining commissioners shall proceed to elect some one to fill the vacancy.

Ordinances, by-laws, rules and regulations.

Proviso: limitation.

Sec. 23. The commissioners shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the good government of the town as they may deem necessary: *Provided*, the same be allowed by the provisions of this act and be consistent with the laws of the land.

Powers of commissioners.

Sec. 24. The commissioners shall have power, and it shall be their duty to provide for and secure the peace, good order and tranquillity of the town against disturbance by quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace, or irregularities tending to disturb the peace of the citizens. They shall provide for the repairing of the streets, sidewalks and alleys, and cause the same to be kept clean and in good order, take all proper means to prevent and extinguish fires, make regulations for the observance of the Sabbath, suppress and remove nuisances and prohibit any indecent exposure of the person, by imposing such fines and imprisonment in all cases, within the jurisdiction of a justice of the peace, as they shall deem adequate.

Abatement and removal of nuisances.

Sec. 25. That the commissioners may require and compel the abatement and removal of all nuisances, and shall have power to pull down and remove any old house, barn or other building in

said town, when the same may be considered dangerous from fire or other causes to the safety, the person or property of adjacent residents, or to the health of the residents of said town: *Provided, however*, that before such removal the owner of such property shall be notified in writing by the secretary of such board of the action thereof, and allowed one month for the repairing or removing of such buildings. Dangerous buildings. Proviso: time allowed owner.

Sec. 26. That the commissioners shall have power to prevent dogs, hogs, horses, cattle and other brutes from running at large in the town, and the town marshal may, by order of the mayor, seize and detain such animals till such fines and costs as may be imposed for such violations may be paid by the owner, and if not paid may sell the same at public auction in said town after giving three days' notice at three public places therein, and apply the proceeds to the payment of said cost and fine, and pay any surplus to the owner of the stock. Animals running at large.

Sec. 27. That they may prohibit the firing of any gun, pistol, firecracker, gunpowder, other materials or other dangerous combustibles in the streets, public grounds or elsewhere in said town. Fire-arms and combustibles in streets.

Sec. 28. The commissioners may build or establish a guard-house in which to secure and confine offenders against town ordinances, and for feeding such prisoners the town marshal shall be allowed such compensation as is allowed to the keeper of the common jail in Moore County: *Provided*, in the above case, that no prisoner or offender shall be confined in said guard-house more than twenty-four hours without first having had his case heard and determined before the mayor. Guard-house. Proviso: limit on time of imprisonment.

Sec. 29. The commissioners shall have power to lay out and open any new street or streets within the corporate limits of said town, whenever deemed by them necessary, and they shall have the power at any time to widen, enlarge, change, extend, narrow and discontinue any street or streets within said corporate limits whenever they may so determine, by making a reasonable compensation to owners of property damaged thereby. In cases where the owners of land cannot agree with the commissioners regarding the value of the land or property and the damages, the mayor of the town shall issue his warrant to the town marshal commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above, to be selected by the party claiming damages, shall determine the value of such property and assess the damages, after which they shall return a report of their proceedings, findings and so forth into the office of the mayor, there to be filed. Before proceeding to view said premises and assess said damages, the parties so summoned shall take the following oath before the mayor of the town or some justice of the peace: "I, A. B., do solemnly swear or affirm that I will faithfully and honestly discharge the duty of Powers of commissioners as to streets. Procedure for assessment of damages.

appraiser, for which I have been chosen, and a true report make. So help me, God." If the party damaged or claiming damages refuses to select two appraisers as provided above, the report of the three summoned in behalf of the town shall be final: *Provided*, that if either the commissioners or the opposite party be dissatisfied with the report of the freeholders, then they may, within ten days from the filing of said report with the mayor, appeal to the Superior Court of Moore County, and in that case the report of valuation and the proceedings therein shall be sent up by said appraisers or the mayor to said court, there to be determined.

Proviso: appeals.

Taxes.

Property tax.

Poll tax.

Proviso: tax limit.

Sec. 30. The commissioners shall have power to levy and collect the following taxes, viz.: Upon all real estate and personal property within the corporate limits of said town; upon all money on hand, solvent credits; upon all polls and upon all other subjects of taxation taxed by the General Assembly and the laws of the State for public purposes: *Provided*, that the annual tax on property shall not exceed fifty cents on the one hundred dollars valuation thereof, nor shall the poll tax and street commutation tax exceed the sum of one dollar and a half annually.

License taxes.

Sec. 31. That in addition to subjects liable to taxation for State purposes, the commissioners shall have power to levy and collect a specific or license tax upon the following subjects: All itinerant or traveling merchants, peddlers, barrooms, liquor dealers or auctioneers who shall offer to sell within the corporate limits of said town; all drummers or commercial travelers, photograph artists, sewing machine or washing machine agents, horse drovers or fruit tree sellers, offering to exercise their business within the corporate limits of the town; upon all vendors of cider, patent medicines or nostrums of any kind; upon every show, concert, menagerie, sleight-of-hand or theatrical performance exhibiting within said corporation; and upon every hog or other stock running at large within the same, whether belonging to persons inside or outside the corporation.

Returns of property for taxation.

Clerk to make out tax lists.

Sec. 32. That all persons liable to taxation of any kind in said town shall, on or before the first day of July in each and every year, make a return of their respective lists of taxable property, assessed by the township assessors for the State, to the secretary or clerk of said board of commissioners, or such person as it may appoint for that purpose; such lists shall give a description of the tracts or lots of land, the taxable polls and all other property liable to taxation by the persons returning the same, and shall be sworn to before some justice of the peace, or before the secretary or clerk, or said person appointed as aforesaid, who is hereby authorized and empowered to administer oaths required by law to be taken by persons making such returns. The said lists thus taken shall be filed with the secretary or clerk, who shall, after

a levy of taxes assessed thereon, make out a list of the same and compute the taxes thereon, in the same manner as tax lists are made or required to be made for the collection of State taxes. The secretary or clerk, or person appointed as aforesaid, shall also make out a list of all property and polls remaining unlisted in said town, which shall be subject to double taxes. The usual tax list made as aforesaid by the secretary, or clerk or person so appointed, and placed in the hands of the marshal or tax collector, shall be a first lien on the real estate so listed and assessed, and shall have the force and effect of a judgment and execution for the taxes assessed and appearing on said lists respectively, and the same may be collected by levy and sale of the property of the party owing such taxes on giving such notice as is required by law on execution from one of the Superior Courts of the State, and the officer charged with the duty of collecting such taxes shall have all the power vested by law in sheriffs or tax collectors for the collection of taxes due the State.

Unlisted taxables.

Tax a lien on real estate.

Collection by levy and sale.

Powers of collecting officers.

Sec. 33. That said taxes shall be due on the first Monday of September in each and every year, but the tax collector shall have no power to enforce collection of the same by sale before the first day of October next ensuing. When the taxes due shall be unpaid on the first day of October, the tax collector shall proceed to collect the same in the manner prescribed by law for the collection of State taxes by the sheriffs of the State.

Time for payment of tax.

Collection by distress.

Sec. 34. The marshal or town tax collector appointed by the commissioners is hereby authorized and empowered to sell real estate in said town for taxes, whether such real estate belongs to a resident or a non-resident, or persons unknown, and so much thereof as may be necessary to satisfy the taxes due and cost of collection shall be so applied, and the balance, if any, paid to the person in whose name the property is listed; and the owner, or any one for him, shall be allowed to redeem any property thus sold at any time within one year from the sale on paying the purchaser the amount of tax, costs and expenses of sale, with twenty-five per centum thereon and one dollar for the expense of re-conveyance. If the real estate thus sold is not redeemed within the time specified, then the tax collector shall convey the same in fee to the purchaser, and the recital in said deed that the taxes were due and unpaid at the time of sale shall be *prima facie* evidence of the fact, and said deed shall have all the force and effect of deeds made by sheriffs pursuant to a sale of lands for the satisfaction of State taxes.

Sale of real estate for taxes.

Right of redemption.

Conveyance of property not redeemed.

Sec. 35. That it shall not be lawful for the Board of Commissioners of Moore County to grant license to retail spirituous liquor within the limits of The Town of Carthage without the written permission of the commissioners of said town, attested and signed by their secretary, and presented by the applicants

County commissioners not to grant liquor license.

at the time of application, and filed with the register of deeds of said county, and if such license be thus granted by the board of county commissioners without such permission, the same shall be void, and the person obtaining such license shall be indictable as in other cases of retailing without license.

Enumeration of duties of constable or marshal.

Sec. 36. That it shall be the duty of the constable or marshal to see that the laws, ordinances and orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in sheriffs and county constables, and he shall have the same fees on all process and precepts executed or returned by him which may be allowed to constables of the county on like process and precepts, and also such other compensation as the commissioners may allow. He shall execute all process issued or directed to him by the mayor or any justice of the peace of Carthage Township, within the limits of said town, and to that end may summon any citizen of said town to his assistance, who, upon refusal to act, shall be considered guilty of a misdemeanor, and, upon complaint of said marshal, shall be tried and punished in the discretion of the mayor within the limits prescribed in the jurisdiction of a justice of the peace. He shall enter into a good and sufficient bond, payable to the State of North Carolina, and approved by the commissioners, and shall, at the end of every month, pay over to the town treasurer all fines, penalties and forfeitures, together with other moneys collected by him, and report the same to the commissioners under oath.

Powers and authority.

Fees.

Further enumeration of powers and duties.

Bond.

Arrests without warrant.

Sec. 37. That the town constable may arrest parties offending against town ordinances and endeavoring to make their escape without the limits of said town, or when the offense is committed in his presence, without a warrant, and he shall commit all offenders in a state of intoxication to the guard-house or county jail until they become sufficiently sober to appear before the mayor for trial.

Ex officio tax collector.

The town marshal or constable shall, by virtue of his office, be town tax collector, unless he fails to give the bond required by commissioners for that purpose, or unless the board of commissioners should appoint some other person, or he is otherwise deemed incompetent.

Clerk ex officio treasurer.

Sec. 38. The secretary or clerk of said town shall, by virtue of his office as such after his appointment or election by the commissioners, be town treasurer, who shall keep regular minutes of the proceedings of the board, keep books of account of all money received and paid out by order of the board, preserve all books, papers and articles committed to his care during his continuance in office, and enter into a good and sufficient bond in a sum to be fixed by the board of commissioners, as treasurer, to honestly and

Enumeration of duties.

Bonds.

faithfully disburse all moneys coming into his hands, and a just and true account render when required by the commissioners.

Further enumeration of duties.

Sec. 39. That the clerk and treasurer shall call on all persons who may have in their hands any moneys or securities belonging to the town which ought to be paid or delivered into the treasury, and keep safely the same for the use of the town, disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and at the expiration of his term deliver the same, with all moneys and property of said town in his possession, to his successor in office.

Audit of claims.

Sec. 40. That all persons to whom said town shall become indebted shall present their claims duly sworn to to the board of commissioners, which shall audit the same and issue an order to the town treasurer for the payment thereof, if considered just, and the treasurer shall in no case pay any claim presented to him till the same shall have been audited and approved by the commissioners, and an order made therefor.

False alarm of fire or injury to fire alarms a misdemeanor.

Sec. 41. That any person not lawfully authorized who shall give or knowingly cause to be given any false alarm of fire by means of the fire alarm telegraph of said town, or who shall willfully and deliberately injure any part of the same, shall be guilty of a misdemeanor, and shall, upon conviction, be fined fifty dollars or imprisoned thirty days.

Punishment.

Survey and monuments.

Sec. 42. That after the ratification of this act the board of commissioners of said town may cause an accurate survey to be made of the exterior boundaries of said town as herein provided, and it shall be its duty to erect upon each corner or at the end of each "call" in said survey a firm and durable monument of iron or stone, or other durable substance, to be maintained by said town and protected from destruction, removal, defacement or other injury by rigid ordinance imposing a fine not exceeding fifty dollars or imprisonment not exceeding thirty days for the violation thereof.

Bond issue for sewerage and water-works.

Sec. 43. That for the purpose of establishing, constructing and maintaining the sewerage system for the use of said town and its inhabitants, and of establishing, constructing and maintaining a system of water-works, one or both, and for other public improvements, the board of commissioners of the said town of Carthage is hereby authorized to issue bonds of said town from time to time to an amount not exceeding in the aggregate the sum of thirty thousand dollars, of such denominations and in such proportions as the board of commissioners may determine, bearing interest from their date at a rate not exceeding six per centum per annum, with interest coupons attached, payable yearly at such time and at such place or places as may be deemed advisable by

Limit.

Denominations.

Interest.

Authentication and maturity.

said board, said bonds to be of such form and tenor, signed by such officers and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding forty years from their date, and at such place or places as said board of commissioners may determine.

Bonds not to be sold below par.

Sec. 44. That none of the bonds provided for in the preceding section shall be disposed of, either by sale or exchange, hypothecation or otherwise, for a less price than their par value, nor shall they or their proceeds be used for any other purposes than declared in said section.

Exemption from town tax.

Sec. 45. That the bonds hereinbefore authorized to be issued and their coupons shall not be subject to taxation by said town until after they become due and tender of payment shall have been made by the town, and the coupons shall be receivable in payment of the taxes or other town dues for any fiscal year in which said coupons become due, or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Coupons receivable for dues to town.

Particular tax.

Sec. 46. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, and for operating and maintaining said water-works and sewerage, the board of commissioners of said town shall annually and at the time of levying other town taxes levy and lay a particular tax on all persons and subjects of taxation on which the said board of commissioners now is or may hereafter be authorized to lay and levy taxes for any purposes whatever, said particular tax not to be more than one dollar and twenty-five cents on the one hundred dollars assessed valuation on property and not more than three dollars and seventy-five cents on each poll. The taxes provided for in this section shall be collected in the manner and at the times other town taxes are collected, and shall be accounted for and kept separate from other taxes, and shall be applied exclusively to the purpose for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and the operation and maintenance of said systems of water-works and sewerage, and cannot be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at maturity of the principal of the said bonds; and to insure the due investment of the amount collected from year to year in excess of that required to pay the said interest, the board of commissioners shall appoint some suitable person to be styled Commissioner of the Sinking Fund of The Town of Carthage, who shall hold his office for six years, and whose duty it shall be, under such rules and regulations as said board of commis-

Limit.

Collection and account of taxes.

Specific appropriation.

Investment of sinking fund.

Commissioner of sinking fund.

sioners shall from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds, and to do and to perform all such other services in connection with said bonds as said board of commissioners may prescribe; and such commissioner shall give bond and receive such compensation for his services as said board of commissioners may determine, not to exceed that allowed to the Treasurer of Moore County.

Commissioner to give bond.

Sec 47. That the board of commissioners of said town of Carthage shall provide a record book to be kept by the town clerk, in which shall be entered the numbers, denominations and dates of said bonds, the name of the purchaser or purchasers, the price at which sold and the date of redemption or payment; and the bonds, when redeemed or paid, shall be destroyed by fire in the presence of the board of commissioners by some of its number, or by the mayor under its direction, and a record of such burning made in the minutes of the proceedings of the said board as kept by the town clerk.

Record of bonds.

Sec. 48. That the proceds arising from the sale of said bonds shall be paid to the town treasurer, who shall hold the same subject to the order of the board of commissioners of said town, in carrying into effect the purposes of this act; and the said treasurer shall be liable on his official bond for said proceeds, and said board of commissioners may increase said bonds from time to time as in its discretion may be necessary to provide for the safe keeping of the same.

Proceeds paid to town treasurer.

Treasurer liable on bonds.

Sec. 49. That in case the said town of Carthage shall in the construction or enlargement of said sewerage system, or in the extension, enlargement and improvement of its water-works system, have need of any lands or outlets through or rights-of-way over the land of the persons or corporations, or source of water supply belonging to other persons or corporations, either within or without the corporate limits of said town, and agreements for the purchase of the same cannot be made with the owner or owners, then, and in either case or in all such cases, the board of commissioners may extend the said system, or either of them, and may condemn any lands of such owner or owners for such purposes or other requirements of said system or systems, the proceedings for such condemnation to be the same as those prescribed in the charter of said town of Carthage for constructing streets, or in chapter sixty-one of the Revisal of 1905, or in any amendments of the same.

Power to condemn lands.

Proceedings for condemnation.

Sec. 50. That the Board of Commissioners of The Town of Carthage shall and it is hereby authorized to submit to the qualified voters residing in the territory hereinafter described under such rules and regulations, at such time as the said commissioners

Election for school tax to be called.

may prescribe, whether a tax shall be annually levied therein for the support of the schools in said town, provided for by this act, and the purchase of lands and erection of school buildings and fixtures thereon: *Provided*, that the money necessary to be expended in the purchase of lands in the said territory and the erection thereon of suitable buildings and improvements and furnishing the same with necessary equipments and furniture for the accommodation of the public schools in said territory, shall only be raised by issuing the bonds of the said town as hereinafter provided for. At the election held under the provisions of this act those who favor the levying of such annual tax and issuing the bonds hereinafter provided for shall vote on written or printed ballots, without device, the words "For Schools and Bonds," and those who are opposed to the levying of such annual tax and the issuing of such bonds as hereinafter provided for shall vote on written or printed ballots, without device, the words "Against Schools and Bonds." The penalties for illegal and fraudulent voting in this election shall be the same as in elections for members of the General Assembly. The commissioners shall give thirty days' notice of the time of holding said election in a newspaper published in The Town of Carthage.

Proviso: bonds for school land and buildings.

Ballots.

Penalties for illegal and fraudulent voting.

Notice of election.

Return of election.

Sec. 51. The inspectors of said election appointed by the board of commissioners shall, on the day following, certify the number of votes cast and counted for and against "Schools and Bonds" to the commissioners of said town, who shall proceed to declare at once the result of the election, and if a majority of the qualified voters shall vote in favor of such annual tax and the issuing of such bonds, the annual tax shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected, and the tax collector shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other town taxes: *Provided*, the special annual taxes so levied shall not exceed one dollar and twenty-five cents on the one hundred dollars valuation of property and three dollars and seventy-five cents on the poll. The annual taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools in said territory. The issuing of bonds and the collection of taxes to pay them shall be regulated as hereinafter provided. The issue of said bonds shall not exceed ten thousand dollars, to be applied to the purchase of lands and the erection of school buildings and equipments thereon. The school committee whose appointment is hereinafter provided for may establish one or more graded schools in said territory, and all the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Declaration of result.

Liabilities of tax collector.

Proviso: tax limit.

Specific appropriation of taxes.

Limit of bond issue.

Graded schools.

Sec. 52. For the purposes and benefits of this act the said territory shall be and constitute a public school district for the white race. Public school district.

Sec. 53. If this act shall be ratified at the election authorized to be held under it, the school committee of the said territory shall consist of five members, to be elected by the Commissioners of The Town of Carthage at their next regular meeting held after the election provided for in this act. The said school committee shall be composed of citizens of said territory and freeholders therein, and shall be divided by the commissioners at the time of their election into three classes, one member of the first class and two members of the other two classes. The term of office of the first class shall expire at the end of one year from the date of his election, and the term of office of the second class shall expire at the end of two years from the date of their election, and the term of office of the third class shall expire at the end of three years from the date of their election. Whenever the term of office of any class shall expire as above provided, his or their successors shall be elected for a term of three years by the said commissioners. Whenever any vacancy occurs in said committee, the vacancy for the unexpired term of the member or members shall be filled by the said board of commissioners. School committee. Classification of committee. Terms of office. Election of successors.

Sec. 54. The school territory or district hereinbefore referred to shall be as follows, to-wit: Beginning at the eastern corner of the corporate boundary of The Town of Carthage, and runs thence with its northern boundary, in a westerly direction, to the Raleigh Road; thence with said road to the western boundary of Adam Brower's lot; thence with said Adam Brower's line back to the corporate limits of said town; thence with said corporate limits to the Deep River Road; thence with the south side of said road in a westerly direction to the Randolph and Cumberland Railroad; thence northerly with said railroad to the line of the lot of Sam. Carpenter; thence with the various boundaries of the said Sam. Carpenter lot back to the Deep River Road; thence with the north side of said road in a northerly direction to the lot of Robert Taylor; thence with said Taylor's line with its various courses back to the Deep River Road; thence with said road back to the corporate limits of the said town; thence with said corporate limits in its northerly course to the western line of the lands of J. L. Currie; thence with the western boundaries of the lands of the said J. L. Currie to the old plank road; thence as said road to the eastern corner of Cade Kelly's lot; thence around the various courses of said Cade Kelly's land, so as to exclude said land, back to the old plank road; thence a direct line to D. McS. Kelly road; thence as said D. McS. Kelly road to the northern boundary of Edward W. Shedd's land; thence as the northern boundary of said Shedd's land to his northwestern Boundary of school district.

corner; thence direct to the northern corner of the town cemetery lot; thence with the various courses of said cemetery lot back to the old plank road; thence a direct line to Marvin Muse's northwestern corner; thence with his west boundary to W. M. Kivett's forty-six-acre tract; thence with the western boundaries of his several tracts of land, so as to include the whole of said lands, to the branch running between the residences of W. T. Jones and H. F. Seawell; thence up said branch to the corporate limits of said town of Carthage; thence with said corporate limits to a point south forty west from the west corner of the Presbyterian cemetery; thence to the said west corner of said cemetery; thence to the south corner of said cemetery; thence with the line of said cemetery lot to Saunders Street; thence with Saunders Street to the south side of Ray Street, corner of Tyson and Jones Buggy Company's lot; thence southwest with the line of said lot to the western corner of said lot; thence a direct line to the western corner of T. A. Watson's lot; thence with his south line to the Raleigh Road; thence due south to the north bank of the branch between the residences of R. L. Tyson and Fannie Jackson; thence as the northern bank of said branch to the line of Fannie Jackson's land; thence as the various courses of said lands, so as to exclude the said lands, to the south bank of said branch; thence down the south bank of said branch to the corporate limits of the said town of Carthage; thence with the various courses of said corporate limits to the beginning. The corporate limits of The Town of Carthage hereinbefore referred to have reference to the limits of said town as they existed before the passage and ratification of this act.

Enumeration of powers and duties of school committee.

Sec. 55. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property of the said territory; shall provide rules and regulations for its own government not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public schools annually, subject to removal by the said committee; shall make an accurate census of the school population of said district as required by the general school law of the State, and do all other acts that may be just and lawful to conduct and manage the public school interests in said territory: *Provided*, all the children resident in said territory between the ages of six and twenty-one years shall be admitted into the said school free of tuition charges: *Provided*, persons living beyond the limits of the said territory may attend the schools from their home or as boarders on the payment of tuition fees to be fixed by the school committee, if said school committee may so determine.

School census.

Proviso: free tuition to resident pupils.

Proviso: non-resident pupils.

Superintendent of schools.

Sec. 56. The school committee created by this act may elect annually a superintendent for the schools established under this

act, who shall be the principal of the graded school for whites if the same shall be established. The said superintendent shall examine all applicants for teachers' positions in said school, and issue certificates to the same, and shall do and perform such other duties as may be prescribed by the said school committee. Teachers' certificates.

Sec. 57. The moneys which shall from time to time be apportioned under the general school law of the State to the public school districts or portions of districts embraced in the said territory, and any moneys to which the said district or portion of district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the Treasurer of The Town of Carthage, who shall be *ex officio* treasurer of said school committee, and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid voucher in the hands of said treasurer for the disbursement of said moneys in any settlement required of him by the law. The said treasurer shall furnish annually to the board of commissioners a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time. Apportionment from general fund. Treasurer ex officio. Monthly reports. Fund to be kept separate. Vouchers. Annual statements.

Sec. 58. The bond now required of the treasurer of the town, to protect public funds of the town in his hands, shall be in an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds received from the taxes levied and collected for school purposes under this act and disbursed. Bond of treasurer. Commissions.

Sec. 59. That the said committee shall make to the board of commissioners annually, at such time as is required under the school law of the State, a report containing an accurate census of the school population of the town, showing the work done and money expended under its direction in said territory on account of public schools therein; a copy of which report shall be forwarded to the Superintendent of Public Instruction of the State, and a copy to the Superintendent of Public Instruction in the County of Moore. The beginning and ending of the school year shall be fixed by the committee. Annual reports of school committee.

School committee incorporated. Corporate name. Corporate powers. Conveyances. Corporate seal.

Sec. 60. The school committee hereby created shall be a body corporate by the name and style of The School Committee of The Town of Carthage, and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate; of selling, mortgaging and transferring the same for school purposes, when authorized by the board of commissioners; of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school shall be to it and its successors in office; and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary thereof, and the seal of the corporation affixed thereto. The corporation shall have a corporate seal, which it may break or change at pleasure.

Bond issue authorized. Limit. Denominations. Interest. Maturity of bonds. Proviso: classification of bonds. Authentication. Record of bonds.

Sec. 61. That the Commissioners of The Town of Carthage be and the same are hereby authorized, if at said election the same shall be carried for schools, to issue coupon bonds for said territory not to exceed in amount the sum of ten thousand dollars, and in denominations of not less than five hundred dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed six (6) per centum per annum, and payable annually on the first day of January of each year until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the said commissioners and named therein, not to be more than thirty years from the date thereof: *Provided, however,* that the said board of commissioners may divide the said bonds into classes as it may determine and have them mature at different convenient dates between the limits aforesaid. It is further enacted that the said bonds and their coupons shall be numbered, and the bonds shall be signed by the Mayor of The Town of Carthage, and countersigned by the clerk of the board of commissioners of the said town, and have the corporate seal of the said town affixed thereto, and the coupons thereto attached shall be signed by the mayor of the said town, or shall have his lithographed signature thereon; that a record shall be kept of the said bonds showing the numbers and denominations thereof, the dates of issuing thereof and when the same will mature and interest bearing rate thereof, the amount received from sale of the same, and the date of paying the proceeds into the treasury of said town, and such other data in relation to the same as said board of commissioners may direct to be kept.

Sale of bonds.

Sec. 62. That the bonds hereby authorized to be issued shall not be sold for less than their par value, and the mayor of the town shall not deliver said bonds or any of them to the purchaser thereof until the purchase money thereof shall be paid to the treasurer of the said town and his receipt to the purchaser produced for the money as evidence of such payment; and the treas-

urer of the said town shall receive all such moneys paid in the purchase of bonds in his official capacity as treasurer of said town, and he and the sureties on his official bond shall be liable therefor and pay over the same as is provided in this act, or as may be otherwise provided by the laws relating to the Treasurer of The Town of Carthage; and it shall be the duty of the board of commissioners of the said town to see to it that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with such sureties as it may require, and in default thereof remove him from his office as treasurer. Liability of treasurer on bond.

Sec. 63. That the Treasurer of The Town of Carthage shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the school committee of said territory in the purchase of lands in The Town of Carthage, and the erection thereon of suitable buildings and improvements, and furnishing the same with necessary equipments and furniture for the accommodation of the public schools in said territory: *Provided, however*, this question shall be submitted to the qualified voters of said territory for their ratification or rejection, at an election to be held as hereinbefore provided. The said election shall be advertised by the said board of commissioners of the town for thirty days prior to the day of election in a newspaper published in the town, and said election shall be held under the supervision of inspectors and poll-holders or judges of election appointed by the said board of commissioners; and the result of said election shall be made and certified, as hereinbefore in this act provided, to the board of commissioners. At said election, those who are in favor of issuing the said bonds shall vote on written or printed ballots, without device, the words "For School and Bonds"; those who are opposed to issuing bonds shall vote on written or printed ballots, without device, the words "Against School and Bonds," and the result of the election shall be ascertained and declared by the Board [of Commissioners] of The Town of Carthage. If at said election the ballots cast "For School and Bonds" shall be a majority of all the votes cast, and also a majority of all the qualified voters of the said territory, then the said board of commissioners shall proceed at once to issue and sell said bonds or so many thereof as may be necessary in the judgment and discretion of said school committee of said territory for the purposes aforesaid. Proceeds of bonds to be kept separate. Specific appropriation. Proviso: question submitted to vote. Advertisement of election. Ballots.

Sec. 64. In order to pay interest on said bonds, and to create a sinking fund to pay the principal of said bonds at maturity, and to provide for the maintenance of a school in said territory Special tax for interest and sinking fund.

as aforesaid, the commissioners of said town shall levy and collect a special tax of not exceeding one dollar and twenty-five cents on every one hundred dollars' worth of taxable property in said town, and not exceeding three dollars and seventy-five cents on each taxable poll, and the money paid into the said town treasury received from taxes under this section shall be appropriated for the payment of the said bonds and coupons, and the maintenance of said schools as aforesaid, and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all the above said bonds and coupons shall have been redeemed may then be transferred, by order of the said school committee, to the general school fund of the said territory.

Specific appropriation of taxes.

Proviso: transfer to general school fund.

Fire companies and fire commissioners.

Powers of fire commissioners.

Sec. 65. That the said board of commissioners may provide for the establishment, organization, equipment and government of fire companies, and appoint commissioners from its number; and in all cases of fire a majority of the fire commissioners, if they deem it necessary to stop the progress of the fire, may cause any house to be blown up or pulled down, and the removal of any property, for which they shall not be responsible to any one in damages; and in case the presence of a majority of the commissioners cannot be had, the mayor, together with two commissioners of the town, to be selected by him, shall perform the duties prescribed for the fire commissioners in this section.

Water and sewerage charges.

Charges a lien on real estate.

Enforcement of payment.

Sec. 66. That the said board of commissioners shall have power and authority to fix and determine the price and rates to be charged for water and sewerage furnished by the said town of Carthage to any of the inhabitants thereof, and to provide for the manner and time of payment of said charges, and the said charges contracted to be paid by any person for said water and sewerage furnished by said town shall be and become a lien upon the real estate and buildings to which water connections are made. If any of said water or sewerage charges shall remain due and unpaid for the term of three months, then the whole of said water or sewerage charges shall become due and payable, and the person authorized by the said board of commissioners to collect said sewerage and water rates shall make return to said board of commissioners of the amount due, together with the description of the real estate to which said water or sewerage pipes or mains are connected, upon which said water or sewerage rate is so due; and in case of the failure to pay the said amount so due within ten days from the return thereof as aforesaid, an execution shall be issued by the clerk of the said board of commissioners, directed to the tax collector, constable or chief of police of said town, who shall advertise said real estate and make sale thereof as in case of sale hereinafter provided for real estate to discharge the lien of taxes. A report of said sale shall be

Report of sale.

made to the clerk of said commissioners within ten days from the time of such sale, and the owner of said real estate shall have thirty days from the filing of said report to redeem said property by payment to the town treasurer the price of said sale and costs, with twenty per centum in addition thereto for the benefit of the purchaser of said real estate. If the said owner shall not redeem said sale within said time, the officer making sale of said real estate shall convey to the purchaser or purchasers thereof, upon payment of amount of water and sewerage rates due, with costs of sale, such part of said real estate so purchased by him in fee simple, which said deed, when duly recorded in the office of the Register of Deeds of the County of Moore, shall have all the force and effect of a deed made by the sheriff of the county pursuant to a sale under execution upon a judgment duly docketed in the Superior Court of said county.

Time for redemption.

Conveyance of property not redeemed.

Sec. 67. That the Supervisor of Carthage Township, upon notice and demand of the board of commissioners of said town, shall cause the convicts assigned to work on the public roads of Carthage Township to work on the streets and sidewalks of The Town of Carthage such length of time in each year, without charge to said town, as the taxable property in said town sustains to the taxable property in said Carthage Township.

Convicts to be worked on streets.

Sec. 68. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 69. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 483.

AN ACT TO RELIEVE THE COMMISSIONERS OF THE CITY OF CONCORD.

Whereas, the Board of Aldermen of the City of Concord paid, in error, certain salaries to city officers not authorized by the charter of said city and desire to correct and validate same,

Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the annual salaries heretofore paid to the members of the Board of Commissioners of the Town of Concord and the members of the board of aldermen of said city of Concord are hereby validated, confirmed and approved in every respect.

Payment of salaries approved.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 484.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Tax on liquor license.

Section 1. That subsection nine of section sixty-four of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the words "one thousand," between the word "exceeding" and the word "dollars," in the fourth line of said subsection, and by substituting in lieu thereof the words "twelve hundred."

Sec. 2. That all of section ten of chapter two hundred and eighty-three of the Private Laws of one thousand nine hundred and five after the word "following," in the sixth line of said section, be and the same is hereby repealed, and the following substituted in the place and stead thereof: "to restrain or prohibit slaughter-houses and slaughtering of cattle, swine and sheep within said city; to provide for an inspection of all cattle, swine and sheep that may be brought into Asheville alive before the same are slaughtered and of their products afterwards, to designate and locate the place or places of such inspection, and, in proper cases, to provide for the condemnation of such cattle, swine, sheep and their products, and under proper and reasonable safeguards for the protection of the owner or owners thereof for the confiscation of such condemned cattle, swine, sheep or their products; to provide for the inspection of the products of all cattle, swine and sheep that may be brought into Asheville for sale or consumption; to designate and locate the place or places of such inspection; and in proper cases to provide for the condemnation thereof; and under proper and reasonable safeguards for the protection of the owner or owners thereof for the confiscation thereof."

Regulation of slaughter-houses and inspection of cattle.

Sec. 3. That section sixty-five of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by inserting between the word "aldermen" and the word "may," in the eleventh line of said section the following: "shall lay out, constitute and erect an assessment district extending in every direction to the limits of the area or zone of damages or special benefits to property resulting from the said improvement in the best judgment of the said board of aldermen (and said assessment district may be laid out, erected and constituted by said board of aldermen at its discretion either after or before said improvement is made)," and by striking out the word "proposed" wherever it occurs in said section sixty-five of chapter one hundred of the Private Laws of one thousand nine hundred and one.

Assessment district.

Sec. 4. That the school committee of the said city shall have the sole authority and power of adopting books to be used in the schools in said city. Adoption of school books.

Sec. 5. That all laws and clauses of laws relating to the charter of the city of Asheville, in conflict with any of the provisions of this act, are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 485.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MARSHALL AND TO DECLARE VOID AN IRREGULAR ELECTION HELD THEREUNDER.

That whereas, on the ninth day of May, one thousand nine hundred and five, the board of aldermen held an election in the town of Marshall, on the question of bonds for water-works, sewerage system, electric lights and improvements of the streets in said town, as provided for in sections thirty-three, thirty-four, thirty-five, thirty-six and thirty-seven of chapter one hundred and sixty-five of the Private Laws of one thousand nine hundred and five; and whereas, there were irregularities in the holding of said election; and whereas, no bonds or other evidences of indebtedness have been issued against the town under or by virtue of said election: now, therefore, Preamble. Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the said election is hereby declared to be absolutely void and of no effect whatever, and all bonds or evidences of indebtedness which may hereafter be issued or attempted to be issued by virtue or under authority of said election are declared to be illegal, without authority of law and void: *Provided, however*, that nothing herein contained shall be construed to prevent other elections or election from being held hereafter under the provisions and authority contained in the said chapter one hundred and sixty-five of the Private Laws of one thousand nine hundred and five, for the purposes of providing a system of water-works, sewerage, electric lights and improving the streets and sidewalks of the town as provided for therein. Election declared void. Proviso: other elections may be held.

Sec. 2. The board of internal improvement of the said town may and it is hereby authorized and empowered to purchase or condemn under the general law for condemning lands for pub- Power to condemn land.

lic uses so much of the northeast side of the island in the French Broad River in the town of Marshall as may be necessary to widen and deepen the main channel of the river for the better protection of the town from high waters, not to exceed one-third of said island.

Road and street duty.

Sec. 3. That all able-bodied male persons between the ages of eighteen and forty-five years living within the town of Marshall shall be subject to road and street duties, and shall be subject to work on the roads or streets in said town three days in each and every year, under such rules and regulations as may be prescribed by the board of aldermen of said town: *Provided*, that any person subject to road or street duty shall have the right to pay two dollars to the town treasurer on or before the day that he may be warned to work said roads or streets by the proper authorities, and a receipt from said treasurer shall release said person from road and street duty, during that year. The money so collected shall be used for road and street work only.

Proviso: commutation.

Purchase of land sold for taxes.

Sec. 4. That the board of internal improvements or the board of aldermen may purchase for the benefit of the town of Marshall any lands, lots, buildings or other real estate that may be sold from time to time for taxes or for betterments to property assessed for street or sidewalk improvements, by either of said boards, the same as if an individual, and they shall have all the rights of an individual in such cases. The title to any properties so purchased shall vest in the town of Marshall. The said boards may sell and convey to any other person, firm or corporation any of such properties so bought, the deeds to be signed by the mayor and the chairman of the board of internal improvements.

Building committee.

Sec. 5. That the board of internal improvements of said town shall elect one member of its board who, together with the chairman of said board, shall constitute two members of a building committee for the said town, and the board of aldermen shall elect one member of its board who, together with the mayor of said town, shall constitute two members of a building committee for said town, and the four members so elected shall be and are hereby constituted the building committee for said town of Marshall, whose duty and power shall be to pass upon the plans and specifications for any proposed new building or any material improvement of any building already erected, and grant such permits for the erection or improvement of the same, or reject said plans and specifications and refuse to grant such permits, when in its opinion the erection or improvement or addition proposed would be dangerous or detrimental to the best interests of the town.

Duty and power.

Building permits.

Sec. 6. That it shall be the duty of every person, firm or corporation proposing to erect any new building or to make any

material addition to or changes in any building heretofore erected to first obtain a written permit from a majority of the building committee of said town, authorizing the erection of such proposed building or additions or improvements.

Building without permit a misdemeanor.

Sec. 7. That any person, firm or corporation erecting or attempting to erect any new building or make any additions or improvements as aforesaid, without first obtaining a written permit from a majority of the building committee as heretofore provided, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for each and every such offense: *Provided*, that each and every day said person, firm or corporation attempts to erect such building or improvement or addition shall constitute a separate offense.

Punishment.

Proviso: separate offenses.

Right to declare nuisances.

Sec. 8. That said building committee by a majority vote shall have power to declare any building in the town of Marshall to be a nuisance and order the abatement of the same when it shall appear to the said building committee that any such building is dangerous or detrimental to the best interests of the town, and if the owner of any such building shall refuse or neglect to abate such nuisance within thirty days from the date of written notice of the said building committee's action, [he or she] shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, that each day's neglect or refusal to comply with the order of the said committee, after the expiration of the said thirty days, shall constitute a separate offense.

Refusal to abate nuisance a misdemeanor.

Punishment.

Proviso: separate offenses.

Building committee to abate nuisance.

Sec. 9. That upon failure and neglect by the owner of any building condemned as a nuisance as heretofore provided in this act for more than thirty days after being notified in writing of the committee's action, the said building committee may issue an order directing the police of said town to abate said nuisance, and the said police of said town is hereby authorized and empowered to abate said nuisance, and in order to do so the said police may summon such assistance as he may deem necessary. And the said owner of said condemned building shall be charged and taxed up with the costs and expenses of abating said nuisance.

Owner taxed with costs.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 486.

AN ACT EXTENDING THE TIME FOR CONSTRUCTION BY THE SMOKY MOUNTAIN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Time to begin construction extended.

Section 1. That the Smoky Mountain Railway Company shall have two years from the ratification of this act within which to begin the construction of its road and expend ten per cent. of the amount of its capital thereon, as provided by section two thousand five hundred and sixty-four of the Revisal of one thousand nine hundred and five of North Carolina.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907

CHAPTER 487.

AN ACT TO INCORPORATE THE TOWN OF PINK HILL, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name.

Corporate rights.

Section 1. That the town of Pink Hill, in the county of Lenoir, be and the same is hereby incorporated by the name and style of the Town of Pink Hill, and shall have all the rights, privileges and duties, and be subject to all the provisions contained in chapter seventy-three of the Revisal of one thousand nine hundred and five, not inconsistent with this act.

Corporate limits.

Sec. 2. The corporate limits of said town shall be as follows: Beginning in the center of the ticket office of the Kinston and Carolina Railroad, and extending six hundred (600) yards in each direction from the said ticket office.

Town officers.

Sec. 3. The officers of said corporation shall consist of a mayor and three commissioners. Said commissioners shall elect or appoint such other officers or agents as may be necessary for the administration of the town government; and the following named persons shall fill the following offices until their successors are elected and qualified at the election to be held under the provisions of chapter seventy-three of the Revisal, in the year one thousand nine hundred and nine: For Mayor, Jesse J. Smith; for Commissioners, George Turner, O. A. Garden and T. A. Turner.

First officers named.

Sec. 4. The mayor shall have the authority to appoint special policemen whenever it may be necessary to preserve the peace or to enforce the ordinances of said town. Special policemen.

Sec. 5. That the mayor and commissioners shall form a council and may make, publish and enforce [ordinances] for the government of said town, not inconsistent with the Constitution and laws of North Carolina. Mayor and commissioners to form council.

Sec. 6. That the officers provided for by this act shall qualify within sixty (60) days after the ratification of this act. Officers to qualify.

Sec. 7. That no spirituous, vinous or malt liquors shall be manufactured or sold within the corporate limits of said town. Any person violating the provisions of this section shall be guilty of a misdemeanor. Prohibition.

Sec. 8. Any vacancies occurring in any of the offices mentioned in this act by death, resignation or removal shall be filled by the remaining members of the council until the next election thereafter, and all the officers shall qualify before any officer authorized to administer oaths. Vacancies. Officers to qualify.

Sec. 9. This act shall be enforced from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 488.

AN ACT FOR THE RELIEF OF DAVID F. BAIRD AND WILLIAM S. DAVIS.

The General Assembly of North Carolina do enact:

That whereas, David F. Baird and William S. Davis, Confederate veterans of the Fifty-eighth Regiment of North Carolina troops in the war between the States, were asked and urged to go and did go from their homes in Watauga County to mark the spot of the farthest advance of the Confederate army at the battle of Chickamauga, at which spot the tablets are now erected: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the sum of thirty dollars each is hereby appropriated out of the pension funds of the State to pay said David F. Baird and William S. Davis, it being amount expended by them to and from their homes to Chickamauga Battle Field. Appropriation.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 489.

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Corporate limits enlarged.

Boundary.

Section 1. That the corporate limits of the city of Fayetteville, upon the ratification of this act by a popular vote, as hereinafter provided for, shall be enlarged as follows: Beginning at the intersection of the present city line on the west with the southern margin of Rowan Street, and running thence westward along the southern margin of Rowan Street extended, to a point fifty feet beyond N. A. Sinclair's northwest corner; thence southwardly in a direct line to the Morganton Road in the western margin of the road that runs by N. A. Sinclair's; thence southwardly crossing the Morganton Road, and in continuation of the line of the road leading from N. A. Sinclair's place where it intersects with said Morganton Road, to the north margin of the road on the south of the Woodward place; thence eastwardly, along the northern margin of that road to a small store northwest of W. H. Newberry's corner; thence southeastwardly, along the northern margin of the road which leads by the silk mills to the south end of the coal chute on the Atlantic Coast Line Railroad; thence northwardly by the most direct line to the present line of the city of Fayetteville in that vicinity; thence with the present city line as established, northwardly to the beginning: *Provided*, that no part of the city limits as now existing shall be eliminated from said city when so extended.

Eighth ward.

Additional aldermen.

Sec. 2. That said new territory shall be known as the Eighth Ward of said city, and one additional Alderman for the City of Fayetteville shall be elected therefrom.

Election on extension.

Registrar.

Sec. 3. There shall be held at the City Hall in the city of Fayetteville on the eighth day of April, one thousand nine hundred and seven, an election of all persons embraced in the above described boundaries, who shall at that time be qualified to vote on said extension. The Board of Aldermen of the City of Fayetteville shall appoint a registrar of voters living in the city of Fayetteville, including said above-described territory, who shall register such persons in said city and in said above-described new territory as may present themselves for registration and are qualified to vote in city elections and not at present registered.

Law governing election.

Sec. 4. The duties of the registrar, of the judges of election and of the board of aldermen, in connection with said election shall be as provided by chapter one hundred and fifty-three of the Private Laws of North Carolina of one thousand eight hundred and ninety-three, and the laws amendatory thereof.

Sec. 5. The ballots to be used at the election herein provided for shall be on white paper and without device, and shall contain the words "For Extension" or the words "Against Extension," and the city limits as herein provided for shall be extended if a majority of the entire vote cast shall be "For Extension." Ballots.

Sec. 6. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 7. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 490.

AN ACT TO INCORPORATE THE TOWN OF DENTON, IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Denton, in Davidson County, be and the same is hereby incorporated by the name and style of Town of Denton, and shall be subject to all the provisions contained in chapter seventy-three, volume one of the Revisal of one thousand nine hundred and five, not inconsistent with this act. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a stone where the old John Carroll place corners on Dr. J. A. Anderson's; thence south along Carroll's line 2400 feet to a stone; thence southeast 1200 feet to Carroll Street; thence south along Carroll Street 600 feet to a stone; thence east 1900 feet to a stone southeast corner of the Carroll place; thence north along Roosevelt Street 4000 feet to a stone in Lassiter's Road; thence west 1600 feet to a stone, B. I. Harrison's corner on said road; thence north along J. I. Garner's line 2587 feet to a stone, B. I. Harrison's and J. I. Garner's corner, west 1854 feet to a stone, said Harrison's and Garner's corner, south 1636 feet to a stone; thence west 173 feet to a stone; thence south 647 feet to a stone; thence west 130 feet to a stone; thence south 660 feet to a stone, Morris' corner, on Anderson's line, including all of the A. G. Morris place; thence about southeast in a straight line to the beginning. Corporate limits.

Sec. 3. That the officers of said corporation shall consist of a mayor, five commissioners, chief of police, clerk and treasurer and town physician, and such other officers as the town commissioners may elect, and the following named persons shall fill the offices of mayor, town commissioners and town physician and chief of police, until their successors are elected and qualified Town officers. First officers named.

on the first Monday in May, one thousand nine hundred and eight: For Mayor, J. Earl Varner; for Commissioners, B. I. Harrison, Arthur Davis, J. M. Daniel, L. A. Newsome, Jesse Morris; for Town Physician, Dr. J. A. Anderson; Chief of Police, John F. Carroll.

Chief of police and town physician.

Special policemen.

Sec. 4. That from and after the first Monday in May, one thousand nine hundred and eight, the chief of police and town physician shall be appointed by the town commissioners, and the special policemen, if any, shall be appointed by the mayor.

Town elections.

Sec. 5. An election shall be held in said town on the first Monday in May, one thousand nine hundred and eight, and biennially thereafter, for a mayor and five commissioners, under the laws of North Carolina regulating elections in towns and cities.

Mayor and commissioners to form council. Powers.

Sec. 6. That the mayor and commissioners shall form a council, and may make, publish and enforce ordinances for the government of said [town] not inconsistent with the Constitution of the United States, the Constitution of North Carolina and the laws of said sovereignties.

Officers to qualify.

Sec. 7. That the officers provided for by this act shall qualify within ten days after its ratification before a justice of the peace, or the Clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 491.

AN ACT TO EMPOWER THE BOARD OF TRUSTEES OF CHARLOTTE TOWNSHIP TO REFUND ONE THOUSAND DOLLARS TO THE PIEDMONT REALTY COMPANY.

The General Assembly of North Carolina do enact:

Repayment authorized.

Section 1. That the Board of Trustees of Charlotte Township, Mecklenburg County, be and it is hereby authorized and empowered, if it shall so decide upon a majority vote, to refund to the Piedmont Realty Company, of Charlotte, North Carolina, a sum not exceeding one thousand dollars of the amount paid by the said Piedmont Realty Company toward the cost of the concrete bridge over Sugar Creek on the public road known as East Seventh Street, extended.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 492.

AN ACT SUPPLEMENTAL TO AN ACT PASSED BY THIS GENERAL ASSEMBLY AT ITS PRESENT SESSION, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HOOKERTON, IN THE COUNTY OF GREENE."

The General Assembly of North Carolina do enact:

Section 1. That the act passed at the present session of this General Assembly, entitled an act to incorporate the town of Hookerton, in the county of Greene, be and the same hereby is amended as follows, to-wit: Immediately after the words "by the name and style of," in section one of said act, insert the words "the Town of" before the word "Hookerton." Corporate name.

Sec. 2. That the said act be further amended as follows, to-wit: Where the word "north" occurs immediately before the words "with said Taylor's line," in section two of said act, strike out the said word "north," and insert instead thereof the words "in a northeastwardly direction." Corporate boundary.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 493.

AN ACT TO AMEND CHAPTER 305 OF THE PRIVATE LAWS OF NORTH CAROLINA, AN ACT TO INCORPORATE THE WAYNESVILLE RAILWAY AND POWER COMPANY, RATIFIED ON THE 4TH DAY OF MARCH, 1905.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and five (305) of the Private Laws of North Carolina, ratified on the fourth day of March, nineteen hundred and five, and entitled an act to incorporate the Waynesville Railway and Power Company, be amended as follows: First, that section one shall be amended [so] that the number of incorporators be increased from five to twenty-three, adding thereto the names of Hugh A. Love J. B. Edgerton, D. R. Noland, T. L. Green, Asberry Howell, J. H. Howell, W. B. Westlake, W. E. Breese, Jr., W. W. Zachery, M. D. Kinsland, D. L. Boyd, S. C. Welch, W. T. Lee, E. J. Howell, J. R. Boyd, J. H. Boyd, T. L. Gwyn, W. S. Terrell, and these twenty-three incorporators or their successors shall elect the first board of directors of the said railway company under the provisions of Additional corporators.

Name changed.

this act. Second. That section one shall be further amended so as to strike out in the fourth and fifth lines the words "The Waynesville Railway and Power Company," and insert in lieu thereof "The Tennessee Coal Fields and South Atlantic Transcontinental Railway Company." Third. That section three of said chapter three hundred and five of said act be amended as

Route and termini of first division of railroad.

follows: That the first division of the said railway company's lines constructed by the said company shall extend, and the right is hereby granted to extend, from the coal fields at Knoxville, Tennessee, over the shortest possible route over which to reach the North Carolina line where it crosses Pigeon River; thence up the Pigeon River to intersect with Jonathan's Creek; thence up Jonathan's Creek Valley to near Dellwood; thence through the Waynesville Valley to the town of Waynesville; thence from the town of Waynesville to Bethel Valley, intersecting the east fork of Pigeon River; thence up the east fork of the Pigeon River across the mountain at the most practical point to pass through or near Brevard, North Carolina, and on to or near Greenville,

Route and termini of second division.

South Carolina. That the second division of said railway company's lines shall extend, and the right is hereby granted to extend, from Waynesville to reach Canton, North Carolina, and to within one-quarter of a mile of the court-house in the town of Rutherfordton, North Carolina, with the right to extend the said lines on to or secure traffic connection at Rutherfordton with the most direct lines of railway to reach deep water at

Board of directors.

Wilmington and Beaufort, North Carolina. Fourth. There will be a board of directors to consist of eighteen members, who shall be selected by the holders of the majority of the stock subscribed for. Fifth. The board of directors so constituted shall

Other officers and employees.

have power and authority to elect the necessary officers and employees and other such persons as may be prescribed by the by-laws of the company or required for the management of its affairs, effect and provide for their compensation.

Right to issue bonds.

Sec. 2. That the said railway company shall have the right to issue first mortgage bonds, secured on said road and all appurtenances thereto; but it shall not issue to exceed fifty thousand dollars per mile of bonds or so much thereof as shall be requisite for complete construction and equipment in first class condition, acceptable to a majority of the board of directors, and the said railway company, in addition to the rights granted

Right to condemn lands.

in said act of one thousand nine hundred and five, shall further have all the rights for condemning rights-of-way as are provided in chapter sixty-one of the Revisal of one thousand nine hundred

Taxes to use of townships.

and five of North Carolina, and in case any county through which the said railway passes refuses as a whole to vote bonds for the construction of the said railroad, then the townships, cities or towns through which the same passes voting such bonds shall have the exclusive right to the taxes derived from said road

within their respective territory: *Provided, however*, that a failure of this provision for illegality shall in no wise affect the validity of the bonds voted by any such township, city or town as hereinafter set forth. Proviso: validity of bonds.

Sec. 3. That the said railway company or its successors shall have the right to purchase any constructed and equipped or partly constructed and equipped line of railroad or to condemn and occupy any right-of-way unoccupied by construction or actual work of construction that may be on the lines over which these lines must pass, and pay for the same such an amount per mile in bonds or stock as if they were constructing an entirely new line. The price to be paid either in stocks, bonds or money shall be acceptable to the board of directors of the said railway company before it shall become binding on the said company. Power to purchase or condemn rights-of-way of other railroads. Price.

Sec. 4. That this act as amended shall be deemed and taken to be a public act, and a copy of any by-laws or regulations of the said company under its corporate seal purporting to be signed by the president shall be received as *prima facie* evidence for and against the said company in judicial proceedings. Act deemed public.

Sec. 5. That any county, township, city or town along said line or near the line of said railroad may subscribe to the capital stock of the said company or for bonds issued by the same in the following manner: Upon presentation of writing signed by not less than fifty freeholders and resident tax-payers of the county, township, city or town, to the board of commissioners of said county, or to the proper authority of said city or town, requesting it to submit to the qualified voters of the county, township, city or town where said petitioners may reside a proposition for said county, township, city or town to subscribe bonds or money for the capital stock or bonds of the said railway company, the board of commissioners of said county, township, city or town shall submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Caroline. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house door of said county and at every polling place of said township, city or town where the said election shall take place, and the returns thereof shall be made Counties, townships, cities or towns to subscribe to stock or bonds. Petition for election. Election to be ordered. Ballots. Law governing election. Notice of election. Returns.

to the board of county commissioners of said county or proper authorities of said town or city.

Subscription to be made and bonds issued.

Sec. 6. If a majority of the qualified voters vote "For Subscription," then the said board of commissioners for said county or proper authorities for said town, township or county shall immediately make such subscription and shall issue such coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall, upon the face, indicate on account of what county, township, city or town they are issued. They shall be in a denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate.

Denominations.

Maturity and interest.

Special tax for bonds and sinking fund.

Sec. 7. The county authorities in any county voting "For Subscription," or in which there is a township voting "For Subscription," who are legally empowered to levy taxes in order to provide for the payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay for the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The tax levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof, and the tax levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which it was levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county or by the proper authorities of such city or town issuing such bonds.

Collection and settlement of tax.

Specific appropriation.

Investment of sinking fund.

Beginning of construction.

Sec. 8. The work of construction may begin either at Knoxville, Tennessee, Waynesville or Greenville, or at all three points if so desired.

Dividends.

Sec. 9. That no dividends on any of the stock in the said railway company shall be paid or any money from its income paid out for other purposes than for taxes, interest on bonds and maintenance and bettering of the condition of the said railroad until the said railway company's line is shown to be earning a surplus over and above taxes, interest on bonds, insurance, maintenance and operating expenses, and one thousand dollars per mile per annum for sinking fund to retire the bonds.

Fund for improvement and increase of rolling stock.

Sec. 10. That over and above the provisions in section nine, and after they have been fully complied with, one-fifth of the remaining net income shall be set aside for improvement of the said railway company's lines and the increasing of the rolling

stock as traffic may demand, and no expenditure shall be made from this fund until a majority of the directors shall agree thereto by attaching their signatures to such resolution on the minute books of the directors of the said railroad company.

Surplus.

Sec. 11. That any surplus, after all these provisions in sections nine and ten shall be complied with, shall be declared and distributed at the end of each six months, as a dividend pro-rated to the whole of the capital stock of the said railway company.

Division of income.

Sec. 12. That it is provided that sections nine and ten and eleven shall be the legally fixed division governing the income from the said railway company in whatever by-laws may have been or hereafter be adopted.

Convicts to be furnished road.

Sec. 13. That the board of directors of the penitentiary shall, on the application of the president of the said company, approved by the Governor, turn over to the said company State convicts not otherwise appropriated of not less than fifty in number and as many thereafter as may be available to be worked in construction of said road under the charge of sufficient guards, and the superintendent of said convicts to be selected by the said Board of Directors of the North Carolina State's Prison or penitentiary, and be subject to the said board of directors and to the prison rules and regulations adopted and prescribed by said board as far as possible; the said convicts to be furnished with necessary quarters and tools and implements with which to work on said railway and for no other purpose and be fed and clothed and maintained by the said board of directors until the said railway shall have been completed: *Provided, however*, that the said convicts shall never be worked outside of the State of North Carolina except by consent of the directors of the penitentiary, approved by the Governor, and the payment of such expenses to be made out of funds appropriated for the support of the penitentiary or out of money or assets otherwise coming or belonging to, or standing to the credit of the said State's Prison of North Carolina, and the State's Prison Board shall fix a fair value for the work done, and whenever and as often as so much as one thousand dollars shall have been expended or earned by the said board of directors of the said penitentiary under the provisions of this act, it shall be entitled to demand and receive from the said railway company either first mortgage bonds of said railway company at par or stock of said railway company at par equivalent to the work done as hereinbefore provided, and in the event that the said board of directors shall elect to take stock in said railway company, the certificates for the shares of said capital stock of said company shall be made out in the name of the State of North Carolina, which shall become thereby a stockholder in said company to the extent of such shares, and shall be entitled to participate in the profits

of said company pro rata with other stockholders, and be represented and vote its shares in all meetings of the stockholders in the same manner as other stockholders may be entitled to vote, through a proxy to be named or appointed by the Governor of the State of North Carolina: and, *Provided further*, that upon delivery of the said first mortgage bonds or certificates of stock so issued to the State Treasurer, credit therefor shall be given to the Board of Directors of the North Carolina State's Prison upon the books of the said State Treasurer for the par value of said first mortgage bonds or the par value of the shares of stock of said railway company represented by such certificate.

Sec. 14. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 15. This act shall be in full force and effect from March the first, one thousand nine hundred and seven.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 494.

AN ACT SUPPLEMENTAL TO AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF CONCORD, NORTH CAROLINA, BEING HOUSE BILL No. 1662, SENATE BILL No. 1514, PASSED BY THE GENERAL ASSEMBLY OF 1907.

The General Assembly of North Carolina do enact:

Statements published semi-annually.

Section 1. Amend section sixty-four of said act by adding the following words thereto: "The board of aldermen of said city shall publish or cause to be published semi-annually, at the front door of the City Hall, an itemized statement of all receipts and disbursements from all sources whatever belonging to said city, including the interest and school funds, and a true and exact record of the same shall be spread upon the minutes of the said board of aldermen."

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 495.

AN ACT TO ESTABLISH GRADED SCHOOLS IN CERTAIN TERRITORY IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

School district constituted.

Section 1. That all the territory embraced within the following boundaries be and is hereby constituted a school district: Begin at Atlantic Coast Line Railroad section house; thence to J. N. Barnes' barn on Carthage Street; thence to J. P. Avent's barn south of Carthage Street; thence to A. E. Kelly's barn south of Carthage Street; thence to northwest corner of W. J. Sloan's lot on Main Street; thence to A. C. Vick's residence on Main Street; thence to and past the northwest corner of boundaries of town of Jonesboro to Atlantic Coast Line Railroad; thence to A. B. Harrington's and John Little's corner on Jonesboro public road; thence as public road and street about south to Mrs. Berryman's barn on Dalrymple Street; thence about east to J. D. Gunter's residence; thence to A. J. McIver's residence; thence to Mrs. Lydia Kelly's barn; thence to G. W. Avent's east line on public road near his residence; thence to South Town line and west line of Atlantic Coast Line right-of-way; thence with western line of Atlantic Coast Line right-of-way to Carthage Street; thence to the beginning.

Boundary.

Election to be called.

Question to be voted on.

Time and place of election.

Law governing election.

Ballots.

Two ballot boxes.

Sec. 2. That the County Commissioners of Moore County are required to submit to the qualified voters of said district during the month of July, one thousand nine hundred and seven, the question of the levying of an annual tax for the support of the schools of said district and of issuing bonds for the purpose of erecting a school building, and of levying an annual tax for the payment of the interest on said bonds and to provide a sinking fund for their payment. Such election shall be held at the time and place designated by said board of commissioners in its order, and the registration and election shall be held under the rules and regulations prescribed by law for the election of members of the General Assembly, and the vote shall be canvassed and result declared in like manner. At such election those favoring the levying of a special tax for support of said schools shall vote a ballot on which shall be printed or written "For School Tax," and those opposing the measure shall vote a ballot on which shall be written or printed "Against School Tax"; and those favoring the issue of bonds shall vote a ballot on which shall be written or printed "For Graded School Bonds," and those opposing shall vote a ballot on which shall be written or printed "Against Graded School Bonds." Two boxes shall be kept, and the ballots for and against graded school bonds shall be deposited in separate boxes.

Special tax.

Sec. 3. If the majority of those voting at said election shall vote "For School Tax," the county commissioners shall at the time of levying other taxes levy a special tax of not more than twenty cents on the one hundred dollars' worth of property and not more than sixty cents on the poll, in said district, which tax shall be collected as other taxes are collected, and shall be turned over to the treasurer of the board of trustees of the graded schools of said district for the support of said schools.

Tax limit.

Collection and settlement of taxes.

Bond issue authorized.

Sec. 4. If at said election a majority of those voting shall vote "For Graded School Bonds," the trustees of the graded schools of said district are authorized and directed to issue bonds in an amount not exceeding ten thousand dollars, in denominations of two hundred dollars, bearing interest at six per centum per annum, payable on the first day of July of every year at the office of the treasurer of the graded school district, which bonds shall mature thirty years from the date of their issue, and the said bonds shall be sold at not less than par, and the proceeds shall be used in the construction of a graded school building in said district. The said bonds shall be signed by the chairman and countersigned by the treasurer of the board of trustees of said graded school district, and the board of trustees shall have authority to purchase a site and have constructed the said building.

Amount.

Denominations and interest.

Maturity.

Sale of bonds and appropriation of proceeds.

Authentication.

Purchase of site and construction of building.

Special tax for interest and sinking fund.

Sec. 5. If the majority of those voting shall vote "For Graded School Bonds," then at the time of levying other taxes the County Commissioners of Moore County shall levy on all polls and property subject to taxation in said district, a tax not exceeding twenty cents on the one hundred dollars' worth of property, and not exceeding sixty cents on the poll, which tax shall be collected as other taxes are collected and turned over to the treasurer of the board of trustees of the graded schools of the district, to be used to pay the interest on the graded school bonds, and to provide a sinking fund for payment of said bonds.

Trustees of graded schools.

Sec. 6. That the graded public schools in said district shall be under the control and management of a board of trustees composed of seven members, citizens of said district, divided into three classes; the members of the first class shall hold office two years, the members of the second class shall hold office for three years, and the members of the third class shall hold office for four years respectively from the time of their qualification, and each shall hold office until his successor is elected and qualified; and there shall be two members of the first class, three members of the second class and two members of the third class. Until their successors are elected and qualified, the following shall constitute the board of trustees: Members of the first class, J. N. McIver and L. M. Foushee; members of the second class, C. H. Russell, J. L. Godfrey and T. M. Campbell; members of the third class, A. W. Huntley and W. A. Thomas.

Trustees classified.

Terms of office.

Trustees named.

Vacancies in the board shall be filled by the remaining trustees for the unexpired term of the member. Vacancies occurring on account of expiration of term shall be filled by the board of education of the county in which the school is situated. Vacancies. Election of successors.

Sec. 7. The board of trustees and their successors shall be a body corporate under the name and style of the Board of Trustees of Jonesboro Graded School, and in such corporate name may sue and be sued, make contracts and conveyances, receive gifts and devises, purchase and hold real and personal estate, and do other corporate acts. The corporation shall have a corporate seal, which it may alter at pleasure. Trustees incorporated. Corporate name. Corporate powers. Corporate seal.

Sec. 8. The board of trustees shall elect a chairman and a secretary and treasurer, provided the secretary and treasurer may be the same person. It may require of the treasurer a bond not exceeding fifteen thousand dollars for the faithful performance of his duty. It shall have charge and supervision of the school, employ teachers and fix their compensation, and fix a curriculum of study and adopt text-books. Organization of board. Bond of treasurer. Powers and duties.

Sec. 9. The funds to be appropriated to the district from the general, State and county taxes for public education shall be turned over to the treasurer for the use of said school. Apportionment from general fund.

Sec. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 496.

AN ACT TO INCORPORATE MONROE TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That R. A. Morrow, W. C. Heath, J. M. Belk, J. R. English and W. H. Belk, their associates and successors are hereby created a body politic and corporate under the name of Monroe Trust Company, and by that name shall have all the rights, powers and privileges incident and pertaining to corporations. Corporators. Corporate name. Corporate powers.

Sec. 2. That the capital stock of the said corporation shall be one hundred thousand dollars, divided into one thousand shares of the par value of one hundred dollars each. The corporators above named or any three of them may open books of subscription to the capital stock, and after one hundred and fifty shares of stock have been subscribed, the corporators having charge of the books of subscription may give notice of a meeting of the subscribers for stock to be held at some place in the city of Monroe, Capital stock. Books of subscription. Meeting for organization.

at a time to be fixed in the notice, and at such time the subscribers for stock, or a majority of them in interest, may meet and organize the corporation, and as soon as fifteen thousand dollars of the capital stock has been paid in, the corporation shall have authority to commence business.

To begin business.

Principal office.

Branch offices.

Sec. 3. The principal office and place of business of the said corporation shall be in the city of Monroe, North Carolina, and the corporation is authorized to establish branch offices at such other places as it may deem proper and for the advantage of the corporation. The corporation is authorized to determine what officers it will have, to make all needful by-laws, rules and regulations for the conduct of its business in accordance with the provisions of this act, to make contracts, use a common seal, sue and be sued in the courts, as fully as natural persons; to buy, hold, sell and convey real estate, personal or mixed property, and to do any and all lawful acts and exercise all lawful privileges and powers which a corporate body may do or exercise.

Enumeration of corporate powers.

Banking business.

Sec. 4. That said corporation shall have the right to do a general banking business, both commercial and savings; to receive deposits, to make loans and discounts, to obtain or procure loans for any person, company, firm, partnership or corporation, to invest its own money or the money of others, to lend or invest money in or upon mortgage, pledge or other security on any lands, tenements, hereditaments or personal property, or any interest therein of any kind, situate anywhere; to lend money on, purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action, stocks, bonds or other securities, or any and all negotiable or commercial paper, crops or produce of all kinds, bullion, merchandise or other personal property, and to sell the same or dispose thereof in any manner, and to charge any rate of interest on loans not exceeding the rate allowed by law.

Power to deal in stocks, bonds and other securities.

Sec. 5. That the said corporation may become the owner of the capital stock of other corporations, either by subscription or purchase, and may sell the same, and may, by its properly constituted agent representing the corporation in the meetings of such other corporations, vote the strength of its stock in the management of the affairs of such other corporation; and it may purchase the entire stock or business of any other corporation doing the business authorized under this act, or consolidate with such corporation. The said corporation may do the business of a general dealer in stocks, bonds, notes, shares, debentures or other securities of any State, municipality, corporation, company, firm, partnership or other business, and may act as fiscal agent for or on behalf of any corporation, company, firm or partnership, whether public or private, or any person, in the purchase or sale of any debentures, stocks, bonds, notes, mortgages or other securi-

May act as fiscal agent.

ties, with or without guaranty or obligation by the corporation, and the corporation may subscribe or sell any of its property, real or personal, or any interest acquired by it, to any person or other corporation for any portion of its bonds, securities, obligations or capital stock, as may be agreed upon, without liability beyond the agreed terms of the purchase or subscription. The corporation may receive on deposit all sums of money which may be offered it for the purpose of investment, in such sums, at such times and on such terms as the board of directors may agree to.

Deposits for investment.

Sec. 6. That the corporation shall be invested with all the privileges conferred on banking institutions and savings banks, with the right to receive deposits, the limit to be fixed by its board of directors, and to pay interest thereon at fixed rates or by way of dividends out of the net earnings, according to the terms to be agreed on by the corporation and its depositors, and the board of directors is fully empowered to adopt all needful rules and regulations for conducting and carrying into effect the savings bank feature of this corporation.

Savings bank powers.

Sec. 7. The corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman, the corporation may deal with such person in reference thereto as though he or she were not under any disability or incapacity to contract, and payment made to such minor or married woman on his or her receipt, check, draft or other acquittance, or payment to such person, company, firm or corporation, or the assignee of such, as shall present a check drawn against such deposit, shall be a valid and sufficient release and discharge of such corporation for such deposit and interest on or for the part thereof so drawn upon and paid.

Deposits of minors and married women.

Sec. 8. The said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any executor, administrator, guardian or trustee or receiver or collector, and on bonds and undertakings of all kinds required in any court of justice, as fully as a natural person, by the signature and justification of any of its executive officers or of any agent or attorney duly authorized and empowered so to do by the rules and regulations of the corporation, and for such suretyship the corporation may charge a reasonable compensation or commission.

Powers as surety company.

Sec. 9. That the corporation shall have the right to act as agent, factor or trustee for any State, county, town, city or other municipality, corporation, company, firm or partnership or individual, on such terms as to agency and commission as may be agreed on, in registering, selling, countersigning, collecting, acquiring, holding, dealing in and disposing of any and all bonds,

Powers as agent, factor or trustee.

certificates of stock or any description of property, real or personal, or for the guaranteeing the payment of any such bonds, certificates of stock or other evidences of debt, and for the general management of the business entrusted to it as agent, and may charge such premiums, commissions or rate of compensation as may be agreed on concerning any of the matters and things authorized to be done by this act.

May act in fiduciary capacities.

Sec. 10. That said corporation shall have the power to receive money in trust, to become executor, administrator, guardian, receiver or collector of any estate, and to accept and execute any other trust which may be committed to it by any of the courts of this State or of the United States, by any corporation, company, firm or private person, and also to accept any grant or transfer, devise or bequest of any property or trust created by the laws of this State, and to execute the same on such terms as may be established and agreed on by the board of directors.

Courts may appoint company in fiduciary capacity.

Sec. 11. That in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner, collector or guardian of any minor, lunatic or inebriate, it shall be lawful for such court, if it shall deem it proper, to appoint Monroe Trust Company to act in such capacity, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person, and on such adjustment and settlement, all proper, legal and customary charges, costs and expenses shall be allowed to such corporation for its services, care and management of the estate committed to its charge; and said corporation acting in such fiduciary capacity shall be subject to all orders or decrees made by any proper tribunal under the laws of the State: *Provided*, that any oath required by law to be taken for the qualification to any office or trust may be taken by any officer of the corporation, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

Proviso: oaths.

Powers to act as trustee for insolvents and bankrupts.

Sec. 12. That the corporation is hereby fully authorized and empowered to act as trustee for any insolvent person, firm or corporation, to act as trustee in bankruptcy under the National Bankruptcy Act, and to receive on deposit all funds in litigation in the various courts of this State, and pay thereon such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds, silver plate or other valuables, and to charge and collect a reasonable compensation for the same, which said charge shall be a lien on such deposit till paid, and generally to do and carry on the business of a safety deposit company.

Deposits for safekeeping.

Powers as to warehouse company.

Sec. 13. That said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the stor-

age of goods, wares and merchandise, cotton and other farm products, and charge and receive compensation for the storage and keeping thereof, which charge shall constitute a first lien on the property so stored; make rules, regulations and by-laws, fixing terms and prices for storage, manner of inspection, form of receipts, insurance of property stored and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit on cotton or other products, and goods, wares and merchandise stored, and the warehouse receipts issued by the corporation are declared to be negotiable instruments and pass by endorsement and delivery, and entitle the bearer thereof to the property marked and designated therein in the same manner as the original holder would be, if he had not assigned it: *Provided*, in the absence of any stipulation in the receipt or contract between the corporation and any depositor of property in said warehouses, the corporation shall be held only to exercise of ordinary care in the custody and protection of such property: *Provided further*, that this corporation shall be under the control of and obey all laws governing banking institutions and rules of the Corporation Commission, and that all warehouses, guarantee, fiduciary, trust and surety business shall be shown in the reports to the Corporation Commission as a part of its liabilities and published as such in its regular reports.

Proviso: degree of care required.

Proviso: force of general laws.

Sec. 14. That the said corporation shall have power and authority to buy and sell real estate, to act as agent for the purchase and sale of real estate or any interest therein, to lease or rent real estate for itself or as agent for others, to purchase land, lay off streets or roads thereon, subdivide the land into lots, improve, any real estate and sell the same, as fully as if it were done by an individual.

Powers as real estate company.

Sec. 15. That the corporation may engage in the purchase or sale of insurance on property or life, act as agent for any insurance company authorized to do business in this State, collect the premiums on policies of insurance, both life and fire, and generally do any and all things necessary for the conduct of an insurance agency, and it may do a general insurance business, as agent for any and all kinds of insurance companies, including life, health, accident, live-stock companies or any other kind of insurance company authorized under the laws of this State.

Powers to act as insurance agents.

Sec. 16. That the stockholders of this corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts, engagements and liabilities of the corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Responsibility of stockholders.

Sec. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 497.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BURGAW.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That section two of chapter twenty-three of the Private Laws of one thousand eight hundred and seventy-nine be amended so as to read as follows: "That the corporate limits of said town of Burgaw shall be as follows: Beginning at the center of Court-house Square and running one mile north, south, east and west, comprising two miles square.

Sidewalks.

Sec. 2. That the Board of Commissioners of the Town of Burgaw, North Carolina, is hereby empowered to lay and construct sidewalks of concrete, cement, brick or such other material as the said board may select, and the cost of the material of building said sidewalks shall be paid for by the adjacent or abutting property owners, and the same when so constructed and built shall become a charge or lien upon said adjacent lot until paid. That the cost of building such sidewalks, except material, shall be paid by the town. That the said charge or lien may be enforced as provided for in case of other liens.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 498.

AN ACT TO INCORPORATE THE OLD NORTH STATE BANKING AND TRUST COMPANY, AT HIGH POINT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Frank W. Ward, A. L. Fogg, C. C. Beach, A. L. Moshuy, George A. Matton and E. D. Steele and others, their present and future associates, successors and assigns, are hereby

Corporate name.

declared to be a body politic and corporate by the name and style of Old North State Banking and Trust Company, situated at High

Term of corporation.

Point, North Carolina, and shall so continue for the period of

Corporate powers.

sixty years, with the capacity to take, hold and convey real and personal estate, to sue and be sued, and with all the powers, rights and privileges granted to any bank or banking institution, or belonging to corporations of a like character, set forth and referred to in the Revisal of 1905, entitled "Corporations," and entitled "Banks."

Sec. 2. The capital stock of the said bank shall be twenty-five thousand dollars, and may be issued in shares of fifty dollars each and such parts of a share as may be necessary and the corporators or directors may elect. The stockholders of said corporation shall have power, by a vote of a majority of the stock, each share having one vote, to increase its capital stock from time to time to a sum not exceeding one hundred thousand dollars. The office and place of business of said bank corporation shall be High Point, North Carolina, and its officers shall consist of a president, vice-president, cashier and a board of not less than three or more than nine directors. The said directors may, if they see proper, elect a teller, who together with the cashier and president shall be required to give bonds with approved security for the faithful performance of their respective duties. The stockholders shall meet annually and at such other times as the directors may designate, and shall elect the president, vice-president and directors, and shall fix the terms of their offices and the compensation of the president. In case of a failure by the stockholders to elect a president or vice-president, or in case of a vacancy, the directors, by a majority vote, may appoint said officers.

Capital stock.
Increase of capital.
Office.
Officers.
Bonds of officers.
Annual meetings of stockholders.
Election and compensation of officers.

Sec. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time and place and for such a period of time as they shall determine.

Books of subscription.

Sec. 4. Whenever ten thousand dollars is paid up, the said corporators, or a majority of them, may call a meeting of the stockholders in the town of High Point, and the stockholders shall proceed to adopt such by-laws and regulations for the government of said bank (not inconsistent with the laws of the State) and may elect such number of directors as may be necessary, to serve for one year, or until their successors shall be chosen, or for such term as they may prescribe.

Meeting for organization.

Sec. 5. The directors shall appoint a cashier and such other officers and clerks as may be provided for by the by-laws of said corporation, to serve at the discretion of the directors; the directors shall prescribe their duties and may take from them bonds, with a security, for the faithful discharge of their duties, and shall fix their compensation.

Directors to appoint officers and fix salaries and duties.

Sec. 6. The said board of directors may adopt and use a seal, and break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same; may regulate the method of conducting the business of said bank; may do a general banking business, and exercise all the rights, powers and privileges conferred by the public laws of this State on banks and corporations of a like character; may lend money at such rates of interest as may be agreed upon and take such interest in advance; may discount, buy and sell notes, drafts and all other

Enumeration of powers of directors.

securities or evidences of debt; may loan money on mortgages of real and personal property; may buy, build or lease a banking house, and sell or exchange the same at pleasure; may negotiate loans on real or personal estate, or both; and it shall direct when dividends or profits shall be made and declared: *Provided*, said bank shall not charge a greater interest than is allowed by law.

Proviso: limit of interest rate.

Enforcement of payment of subscriptions.

Sec. 7. That if any subscriber shall fail to pay for his stock, hereafter subscribed, or any part thereof as the same may be required of him, the same or any part thereof remaining unpaid may be recovered in the name of the corporation by an ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors for cash at the banking house of said corporation, after three months' notice of such sale in writing to the said delinquent, and after two weeks' advertisement, published in some newspaper in said town, and the proceeds of such sales may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of sale, the balance may be recovered by civil action, as hereinbefore provided.

Powers as warehouse company.

Sec. 8. That said corporation shall have the power to own, maintain or lease warehouses, and carry on the business of warehousemen and forwarders, in case the said corporation by stock vote shall so determine; to receive on storage or deposit all kinds of produce, merchandise or other personal property, to make advances in money on merchandise or produce, and to carry on and transact all kinds of business usually transacted by warehousemen; also to advance money, and to take legal liens for all such advances, and collect and receive interest and commissions, compensation for storage and all labors and expenses incident thereto. All advances made by said corporation on property received for storage or deposit, and compensation for all charges and expenses thereon, shall be a preferred lien on said property, which shall be satisfied and paid before said corporation shall be required to deliver said property.

Deposits of married women, minors and apprentices.

Sec. 9. That when married women, minors or apprentices deposit money or anything of value in said bank or its branches, either generally or specifically to their own credit, they or any of them may draw the same on their check or order, and be bound thereby, and such married woman, minor or apprentice shall be bound by such individual check or order, and the same shall be a valid release to said corporation against such married woman, minor or apprentice, and all other persons whatsoever.

Power to act as agent, factor or trustee.

Sec. 10. That said corporation shall have the right to act as agent, factor or trustee for any State, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commissions as may be agreed on, in registering, selling, countersigning, collecting, acquiring, hold-

ing, dealing and disposing of on account of any State, county, township, town, municipality, corporation, company or individual, any land, certificate of stock, notes or any description of property, real or personal, or for endorsing or guaranteeing the payment of said bond, certificates of stock, notes, etc.; and generally for managing such business, and for doing any of the matters and things authorized by this charter, the said corporation may charge such premium, commission or rate of compensation as may be agreed upon.

Savings bank business.

Sec. 11. The bank is authorized to organize, in connection with its general banking business, a department for savings and to do a savings bank business for the convenience of small depositors, and to make regulations in regard thereto, in case the stockholders of the said bank shall so vote, in which case the said bank may receive deposits in the savings department and give certificates therefor, and pay such interest as its directors may authorize, not exceeding the legal rate of interest, and also regulate the time of payment and notice of demand.

Liability of stockholders.

Sec. 12. That the stockholders of this corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts, engagements and liabilities of the corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Location of bank.

Branches or agencies.

Sec. 13. That the said bank shall be located at High Point, North Carolina, but branches or agencies of the bank may be established at such times and places as the stockholders may designate, and such branches or agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

Votes of stockholders.

Sec. 14. That each stockholder shall be entitled, in all meetings of the stockholders, to cast one vote for each share of the par value of fifty dollars owned by him or her.

Transfer of stock.

Sec. 15. That the stock held by any one shall be transferred only on the books of said corporation either in person or by power of attorney. No stockholder shall transfer his stock if he is indebted to the corporation as principal or security, unless such indebtedness is paid off and discharged, except a majority of the directors consent to the said transfer; and for all such indebtedness the said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

Power to receive and execute trusts.

Sec. 16. That said corporation shall have power to receive money in trust and to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of this State, and

then to execute the same on such terms as may be established or agreed upon by its board of directors. And said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive any deposit of funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. In case its stockholders shall so elect, it shall have power and authority to receive for safe-keeping on deposit all money, bonds, stock, diamonds and silver plate and other valuables, and collect reasonable compensation for the same, which charge shall be a lien on such deposit until paid, and generally to do and carry on the business of a safe deposit and trust company.

Deposits for safe-keeping.

Limit of investments in real estate.

Sec. 17. That this corporation shall not have the right to invest more than twenty-five per cent. of its capital and permanent surplus in real estate unless said investment be made for the protection of its loans, debts and property mortgaged to it or acquired under any decree or judgment of the courts; and said corporation shall at all times be under the laws regulating the banks of this State and the rules made by the Corporation Commission for the regulation of banks, and said corporation shall report to the Corporation Commission as other banking institutions are required to do, and show in said report all the warehouse, trust, surety, guarantee and fiduciary business as a part of its liabilities, and publish the same in its regular report.

Sec. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 499.

AN ACT TO INCORPORATE THE CHARLOTTE POULTRY ASSOCIATION.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That for the purpose of promoting and encouraging the breeding of thoroughbred poultry in North Carolina B. S. Davis, E. R. Cash, J. N. Roberts, J. K. A. Alexander, L. N. Brown, W. B. Alexander, G. L. Dooley, A. S. Harrill and John P. Greene, and such other persons as they may associate with them, their successors and assigns, are hereby declared to be a body politic and corporate in fact and in law, by the name and style of Charlotte Poultry Association, with all the corporate powers and authority hereby granted, to be held and exercised by said association and their successors and assigns for a period of thirty years,

Corporate name.

Term of corporation.

and in that name shall have power to purchase, receive as stock, hold, possess and enjoy, sell and convey real and personal estate necessary for the carrying into effect the purposes of this charter; to have and use a common seal, alterable at their pleasure; to pass such by-laws, rules and regulations for their government, not inconsistent with the laws of this State, as may be necessary to carry into effect the object, and conduct the affairs of the corporation; may sue and be sued, plead and be impleaded, and shall have and enjoy all the rights of a corporate body under the laws of the State. Corporate powers.

Sec. 2. The principal place of business of this corporation shall be at Charlotte, in Mecklenburg County, North Carolina. The annual meetings of the association shall be held at such times and places as may be agreed upon by the board of directors, and special meetings can be held upon the call of the president and a majority of the executive committee; and all members can be represented in person or by proxy, and entitled to cast one vote for every share of stock owned. Principal place of business. Annual meetings. Special meetings.

Sec. 3. The association shall have power to prescribe its by-laws, rules and regulations for the registration of thoroughbred fowls, and to divide the same into such classes as may be desired for effecting the purposes of this corporation. The said association shall have the power to confer such prizes and premiums as it may see fit, and to provide for the same in its by-laws. To prescribe rules for registration. Prizes and premiums.

Sec. 4. The officers of this corporation shall be a president, four vice-presidents, a secretary and treasurer, an assistant secretary, a superintendent, an assistant superintendent and a board of directors or executive committee, of which the president shall be one *ex officio*, the number of directors or of the executive committee to be determined by a majority of the stockholders. The association shall be governed by the president and executive committee, who, together with all other officers, shall be elected at each regular annual meeting by a majority vote of the stock held; the first annual meeting for organization to be held at such time and place as may be agreed upon hereafter. Officers. Government of company.

Sec 5. The stockholders of this corporation shall in no event be individually liable for the debts, contracts or obligations of this association. Stockholders not individually liable.

Sec. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 500.

AN ACT TO AUTHORIZE J. W. SPALDING, ADMINISTRATOR OF G. M. SPALDING, DECEASED, TO ERECT A SUITABLE MONUMENT TO THE GRAVE OF G. M. SPALDING.

The General Assembly of North Carolina do enact:

Erection of monument authorized.

Section 1. That J. W. Spalding, of Columbus County, administrator of G. M. Spalding, deceased, be and he is hereby authorized to erect a suitable monument to the grave of the said G. M. Spalding, deceased.

Expense allowed in settlement.

Sec. 2. That the expense incurred in erecting the monument provided for in section one of this act shall be paid out of the fund in the hands of J. W. Spalding, of Columbus County, administrator, belonging to the estate of G. M. Spalding, deceased, and the receipts for such expenditures in the hands of the said administrator shall be a valid voucher and shall be allowed him in his final settlement of said estate.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 501.

AN ACT TO AMEND CHAPTER 360, PRIVATE LAWS OF 1903, BEING "AN ACT TO INCORPORATE THE DUNN TROLLEY COMPANY," EXTENDING THE TIME FOR SAID COMPANY TO BEGIN BUSINESS.

The General Assembly of North Carolina do enact:

Time to begin work.

Section 1. That chapter three hundred and sixty, Private Laws of one thousand nine hundred and three, be and the same is hereby amended by striking out the word "five," in line nineteen in section four thereof, and inserting in lieu thereof the word "ten."

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 502.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF EAST SPENCER, ROWAN COUNTY, CHAPTER 74, PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That chapter seventy-four of the Private Laws of one thousand nine hundred and one be amended by striking out all of section two of said chapter, and inserting in lieu thereof the following: "That the corporate limits of said town shall be as follows: Beginning at the edge of the North Carolina Railroad on Captain John Beard's line where it crosses the railroad at a point near the Trexler crossing; thence south 32½ degrees east 3500 feet to a stake; thence north 57½ degrees east, parallel with said railroad and on the east side thereof, 9200 feet to a stake; thence north 32½ degrees west 3850 feet to a stake on the line of the right-of-way of said railroad; thence with said railroad 9200 feet to the beginning, as shown by a map by C. M. Miller for East Spencer. No part of said railroad shall be included in the corporate limits of said town."

Tax rate.

Sec. 2. That section seventeen of chapter seventy-four of the Private Laws of one thousand nine hundred and one be amended by striking out the figures "25," in line three of said section, and inserting in lieu thereof the figures "50," and also by striking out in said section the figures "75," in line eight thereof, and inserting the words "one dollar and fifty."

Acts declared misdemeanors and punishment prescribed.

Sec. 3. That said chapter seventy-four of the Private Laws of one thousand nine hundred and one be further amended by adding to the end thereof the following: "It shall be unlawful, and punishable by fine not exceeding fifty dollars or imprisonment not exceeding thirty days, for any person to violate any of the ordinances of said town or commit any of the following offenses within the corporate limits of said town: to use loud, profane or indecent language in or near any public place or street; to act disorderly or publicly exhibit oneself in a state of intoxication; to fail to keep clean his or her premises, hog pen or privy; to throw dead carcasses into the streets or permit them to remain on one's premises; to run or maintain a bawdy or disorderly house; to willfully injure, deface or damage the real or personal property of another; to willfully fail to list his or her property for taxes; to willfully fail to give in his name or list himself for poll tax, if liable; to fail to pay privilege tax levied by the board of aldermen before engaging in the business, occupation or vocation upon which a tax is levied; to willfully permit livestock to run at large; to obstruct or resist an officer of said town in the discharge of his duties; to permit dogs to run at large

without first paying the privilege tax on same; to willfully drive through said town in a reckless or rapid manner; to willfully shoot guns, pistols or other explosives in said town."

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 503.

AN ACT TO AMEND CHAPTER 400 OF THE PUBLIC LAWS OF 1887 OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

New trustees named.

Section 1. That section one, chapter four hundred of the Public Laws of one thousand eight hundred and eighty-seven of North Carolina be amended by striking out the following: "W. L. Moore, James Oxendine, James Dial, Preston Locklear and others who may be associated with them," and substituting therefor "O. R. Sampson, James Locklear, A. H. Locklear, Edmund Lowery, A. A. Locklear, Malachi Locklear and James Dial."

Organization.

Sec. 2. That section two, chapter four hundred of the Public Laws of one thousand eight hundred and eighty-seven of North Carolina be and the same is hereby repealed.

Appropriation repealed.

Sec. 3. That section seven, chapter four hundred of the Public Laws of one thousand eight hundred and eighty-seven of North Carolina, be and the same is hereby repealed.

Appropriation.

Sec. 4. That the sum of twelve hundred and fifty dollars ($1,250) is hereby appropriated to the support of said school annually, the said sum to be paid out of the funds in the State Treasury not otherwise appropriated: *Provided*, that the said sum thus appropriated shall be expended under the direction of the Board of Education of Robeson County for the payment of services rendered for teaching, and for no other purpose: *Provided further*, that the said sum thus appropriated shall be paid in semi-annual payments upon warrants drawn by the State Superintendent of Public Instruction upon receipts by said superintendent or report of the trustees of said school showing the number of teachers employed and the amount paid each teacher and the number of students in attendance, which said report shall be first submitted to the county board of education and approved by it.

Proviso: expenditure of appropriation.

Proviso: payment of appropriation.

Sec. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 504.

AN ACT TO INCORPORATE THE TOWN OF UNION MILLS, RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Union Mills, in the county of Rutherford and the State of North Carolina, be and the same is hereby incorporated by the name and style of Union Mills, and so far as may not be inconsistent with this act shall have the powers and be subject to all the provisions of chapter seventy-three of the Revisal of nineteen hundred and five of North Carolina. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the incorporate limits of the said town shall embrace all of the territory embraced in a boundary herein set out, to-wit: Beginning on a large pine stump in the south corner of the public school lot, and runs thence north 40 east 290 yards to a stone in the James Guffey lot; thence north 39 west 730 yards to a stone; thence north 30 west 106 yards to a stone; thence north 78 west 75 yards to Southern Railway, crossing the same, and the same course 486 yards to a Spanish oak; thence north 69 west 372 yards to a white oak; thence south 20 east 130 yards to a black oak, in edge of Hudlow public road and west of Round Hill Church; thence south 16 west 280 yards to a post oak on west side of Round Hill Springs; thence south 53 west 700 yards to a white oak; thence south 40 west 270 yards to a stone; thence south 70 west 535 yards to the beginning. Corporate limits.

Sec. 3. That the jurisdiction of the mayor of said town and the officers thereof, for the purposes of police regulation, shall extend in all directions one-half mile from the said corporate limits, or boundary hereinbefore set out. The officers shall be a mayor and four commissioners and a town constable, and such other police officers as the mayor and commissioners shall appoint. Police jurisdiction. Town officers.

Sec. 4. That until the time of the first regular election and the qualification of the officers elected, the government of the town shall be vested in the following persons, to-wit: Henry Forney, Mayor; and F. B. Logan and M. L. Nanney and E. L. Norris and H. C. Daves, Commissioners; and J. L. Norris, Town Marshal or Constable. First officers named.

Sec. 5. That the manufacture or sale of spirituous, vinous or malt liquors is forever prohibited within the limits of said town. Prohibition.

Sec. 6. That this act shall be in force from and after the day of its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 505.

AN ACT TO AMEND CHAPTER 263 OF THE PUBLIC LAWS OF 1903, DEFINING THE BOUNDARY OF THE GRADED SCHOOL DISTRICT IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That section one of chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and three be amended as follows: In line eleven strike out the words "Jonathan Broxton," and insert in lieu thereof the words "John H. Braxton."

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 506.

AN ACT TO RELIEVE D. I. MASSEY, PUBLIC SCHOOL TEACHER IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Payment authorized.

Section 1. Upon approval of the Committee of District Number Five, white race, Wake Forest Township, Wake County, the County Superintendent of Public Instruction of Wake County may, if satisfied of the justice of the claim, approve the voucher of one D. I. Massey, public school teacher in the above-named district, for the sum of forty dollars ($40), the same being compensation for teaching the public school in the said district for the term of sixty-six days on a third grade certificate.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 507.

AN ACT TO PROTECT QUAIL IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Supplemental act.

Additional territory embraced and defined.

Section 1. That the bill passed at the present session of the General Assembly to protect quail in Randolph County be and the same is hereby amended by adding to the territory therein embraced that part of said county beginning at the township line

between Columbia and Coleridge Townships on Deep River; thence south with said river to Buffalo Ford; thence east to the Chatham County line; thence east with Chatham line north to the Columbia Township line.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 508.

AN ACT TO AMEND CHAPTER 236 OF THE PUBLIC LAWS OF 1903, DEFINING THE BOUNDARY OF THE GRADED SCHOOL IN DISTRICT No. 1, COBLE TOWNSHIP, ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter two hundred and thirty-six of the Public Laws of one thousand nine hundred and three, be amended as follows: In line fifteen, after the words "Peter S. Page's barn," insert this: "Beginning at Peter S. Page's barn; thence west with the present school line to L. L. Patterson's line; thence north with said Patterson's line to J. F. Homewood's line; thence with his line so as to include his entire farm." Boundary.

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 509.

AN ACT TO AMEND CHAPTER 183 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1901, ENTITLED "AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LEAKSVILLE, IN THE COUNTY OF ROCKINGHAM, AND THE AMENDMENTS THERETO."

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter one hundred and eighty-three, Private Laws of North Carolina, session of one thousand nine hundred and one, be amended by adding at the end of said first section thereof and after the word "property" the following:

Commissioners to grant franchises.

"And said board of commissioners shall have power and authority to grant franchises to persons, firms or corporations in said town for the purpose of conducting any public service business for the necessity or benefit of the citizens of said town; and the board of commissioners of said town shall have power and authority to contract with any person, firm or corporation for water, lights or other public necessities for the use and benefit of said town for a period not exceeding fifteen (15) years, and may contract with such person, firm or corporation proposing to furnish said light, water and other public necessities, and agree to pay an annual sum for said light, water and other public necessities for a term not exceeding said fifteen (15) years, wherein said board of commissioners reserves the right to control the kind and efficiency of said service to be rendered by the terms of said contract, and the said board of commissioners of said town shall pay for said services rendered under said contract out of the general funds belonging to said town."

Powers to contract for water, lights and other public necessities.

Sec. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 510.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND, REVISE AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF CHARLOTTE, AND TO EXTEND THE CORPORATE LIMITS OF SAID CITY."

The General Assembly of North Carolina do enact:

Section 1. That an act entitled an act to amend, revise, and consolidate the statutes that constitute the charter of the city of Charlotte, and to extend the corporate limits of said city, ratified the sixth day of March, one thousand nine hundred and seven, be and the same is hereby amended as follows: After the word "mayor" and before the word "should," in the last sentence of section forty-six (46) of said act, insert the words "or of alderman," so that said sentence as amended shall read as follows: "In case the office of mayor or of alderman should become vacant by resignation, death or otherwise, the board of aldermen shall elect his successor for the unexpired term."

Vacancies in office of mayor and alderman.

Sec. 2. That said act be further amended by inserting after section one hundred and thirty (130) thereof the following:

"Sec. 130a. That said board of public service shall have supervision of the platting of any and all territory within the cor-

Powers of board of public service.

porate limits of said city into streets and squares; and where within said territory any owner of land shall desire the same to be platted into lots, or where the streets and alleys already laid out do not conform to the plan of the city, the laying out and platting of all such land into established streets and alleys shall be done by the city engineer, under the direction of said board of public service."

Sec. 3. That said act be further amended by inserting after section one hundred and forty-seven (147) thereof the following:

"Sec. 147a. That the building and grounds of the Charlotte Carnegie Public Library shall not be under the control or in the custody of said board of public service, but the same shall remain vested in the corporation of that name created by chapter sixteen, Private Laws of one thousand nine hundred and three; that this act shall not be construed to repeal any part of said chapter, and that all provisions thereof for an appropriation to said library by the board of aldermen of said city shall remain in full force until otherwise amended." Carnegie public library.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 511.

AN ACT TO INCORPORATE THE WESTERN CAROLINA POWER AND TRANSPORTATION COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Theo. F. Davidson, H. F. Adickes, Jr., and S. P. Ravenel and their associates and successors and assigns be and they are hereby declared a body politic and corporate, under the name and style of Western Carolina Power and Transportation Company, and by that name shall have perpetual succession, and sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act. Corporators. Corporate name. Corporate powers.

Sec. 2. The objects for which said corporation is established are: To supply light, heat and power, electrical or otherwise, to individuals and corporations, private or municipal; to construct, maintain and operate railways, flumes, telegraph and telephone lines, or other means of transportation or communication; to encourage, promote, operate and maintain manufacturing enterprises, mines, hotels, industries and business of any kind whatsoever, and Objects of corporation.

works of internal improvement or public use or utility, and generally to develop in every way the resources of any and all land acquired by the said corporation, or belonging to others.

Enumeration of powers.

Sec. 3. In furtherance of the objects and purposes hereinabove stated, the said corporation shall have the following powers (it being hereby expressly provided, however, that the said powers herein specifically enumerated shall not be held to limit or restrict in any manner the general powers conferred by the laws of the State of North Carolina in chapter twenty-one of the Revisal of one thousand nine hundred and five of North Carolina and the laws amendatory thereof, or elsewhere), that is to say:

As electric light and power company.

a. To supply to the public, including both individuals and corporations, whether private or municipal, within the State of North Carolina and elsewhere, power in the forms of electric current, hydraulic, pneumatic and steam pressure, or any of the said forms or any other forms for use in driving machinery and for light, heat and all other uses to which the power so supplied can be applied, and to fix, charge, collect and receive payment therefor; and for the purpose of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate lines for the transmission of power by wires or poles or underground, and by cables, pipes, tubes, conduits and all other convenient appliances for power transmission, with such connecting and branch lines within the State of North Carolina or elsewhere as the board of directors may locate or authorize to be located for receiving, transmitting and distributing power; and to acquire, own, hold, sell or otherwise dispose of water power and water privileges in the State of North Carolina, and locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or by any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, gates, bridges, sluices, tunnels, stations, and other buildings and all other works, structures, machinery and appliances which may be necessary to the operation of said plants: *Provided*, that the lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed, when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities respectively thereof shall upon application from the company prescribe.

Further powers as electric light and power company.

b. To carry on and conduct the business of generating, making, transmitting, furnishing and selling electricity for the purposes of lighting, heat and power and transmission of power; and to furnish and sell and to contract for the furnishing and sale to persons, corporations, towns and cities of electricity for illuminat-

ing purposes, or as motive power for running and propelling motors, cars, machinery and apparatus, and also for all other uses and purposes for which electricity is now or may be hereafter used; to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, supply and sell electricity, steam, gas, compressed air and all other kinds of power, forces, fluids, currents, matter and material used or to be used for the purposes of illumination, heat and power; to carry on any and all business in anywise appertaining or connected with the manufacturing and generating, distributing and furnishing electricity for light, heat and power purposes, including the transacting and conducting of any and all business in which electricity is now or may be hereafter utilized, and all matters incidental or necessary to the distribution of electric light, heat and power; to manufacture and repair, sell and deal in any and all necessary appliances and machinery used and which may be required or deemed advisable for or in connection with the utilizing of electricity, or in anywise appertaining thereto or connected therewith; to purchase, acquire, own, use, lease, let and furnish any and all kinds of electric machinery, apparatus and appliances; to purchase, acquire, own, hold, improve, let, lease, operate and maintain water rights and privileges and water powers; to construct, acquire, build and operate, maintain and lease canals, ditches, flumes and pipe lines for the conducting of water; to build, construct, maintain and operate railroads, street railways, motor lines, tramways, turnpikes, flumes and canals, and to carry freight and passengers, or freight or passengers thereon, and to charge, collect and receive tolls or fares for the same; to construct, build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines wherever it may deem expedient, and to charge, receive and collect such charges and rates for the use of its telegraph and telephone lines and for the transmission of messages thereon as may be deemed reasonable; to construct, acquire own, hold, lease, maintain and operate lines of wires, underground conduits, subways or other convenient conduits or appliances for the transmission of electricity and other energies, fluids, forces and currents as may be deemed advisable or expedient; to lease any part or all of its railroads, street railways, motor lines, tramways, turnpikes, flumes, canals, telegraph lines, telephone lines, power transmission lines, conduits and power plants to any other company or companies organized for the purpose of maintaining and operating such roads, lines or conduits or power plants, and to lease, purchase, maintain and operate any part or all of any other railroad constructed by others, upon such terms and conditions as may be agreed upon by the parties respectively; to apply to the proper authorities of any incorporated county, city or town in the State

of North Carolina or elsewhere in which the railroads, street railways, motor lines, tramways, turnpikes, flumes, canals, power transmission lines, power plants, underground subways, wires, poles and appliances of this corporation may extend or be designed or intended now or hereafter to extend, for a grant of any rights, powers, privileges and franchises for the maintenance and operation thereof; to accept, receive, own, hold, lease, all and singular, the same; to acquire by contract, purchase, lease or otherwise, and to accept, own and hold any right, privileges or franchises heretofore granted to any person, firm, company or corporation, or which may be hereafter so granted by the proper authorities of any such county, city or town; and to do and perform all matters and things necessary, proper or convenient for the accomplishment of the objects hereinbefore mentioned.

Powers as water company.

c. To acquire by purchase, condemnation or other proper method the right to use, employ and divert the water flowing and running in any stream or water course which may be necessary to the exercise of any of the powers of a public or *quasi* public character herein granted to the said corporation; and whenever it shall be necessary to divert the water from any such stream or water course to be used for any of the purposes herein provided, the said corporation shall have the right to have the value of the said water so to be diverted, and the land so to be used over which it shall be conducted condemned, and the value thereof assessed in the manner hereinafter provided for the condemnation and valuation of land and other property.

Powers as real estate and improvement company.

d. To purchase, acquire, rent, lease, own, hold and improve real estate in such quantities as may be deemed expedient, and to build dwelling houses, build and operate stores, mills, schools, factories, warehouses, hotels and any and all other buildings and structures deemed advisable and expedient; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient; to lay out and plot any real property belonging to or required by the company into lots, blocks, squares, factory sites and other convenient forms; and to lay out, plot and dedicate to public use or otherwise streets, avenues, alleys and parks; and to adorn and beautify its property by building dams for ponds, reservoirs and lakes, and by other means.

Powers as general trading company.

e. To manufacture, purchase or otherwise acquire, hold, own, sell, assign and transfer, invest, trade, deal in and deal with goods, wares and merchandise and property of every class and description, and to do both mining and manufacturing of any kind, and also to carry on the business of farming, stock raising, lumbering and cutting and dealing in firewood, quarrying and hotel keeping.

f. To erect and construct, make, improve or aid or subscribe toward the construction, making and improvement of mills, factories, storehouses, buildings, roads, docks, piers, wharves, houses for employees and others, and works of all kinds Powers as building company.

g. To guarantee the payment of dividends or interest on any shares, stocks, debentures or other securities issued by or any other contract or obligation of any corporation, whenever proper or necessary for the business of this corporation, in the judgment of its directors. Powers as guarantee company.

h. To do all and everything necessary, suitable or proper for the accomplishment of any of the purposes or attainment of any one or more of the objects herein enumerated or which shall at any time appear conducive to or expedient for the protection or benefit of the corporation, either as holder of or interested in any property, and in general to carry on any business, whether manufacturing, mining or otherwise. General powers.

i. To acquire by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with, in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations issued or created by other corporation or corporations, and while the holder of such stock, to exercise all the rights and privileges of ownership, including the right to vote thereon to the same extent as a natural person might or could do; to lease, purchase or otherwise acquire, own, hold, maintain, use and dispose of the rights-of-way, permits, privileges, powers, franchises and property of every kind and nature, real, personal or mixed, of any other corporation, or to unite and consolidate with any other corporation upon such terms as may be agreed upon, and also to borrow money, and for such consideration and upon such terms as the stockholders or board of directors may determine; and to issue its notes, bonds and debentures from time to time as it may elect, and to secure the same by mortgage or mortgages on its property, whether then owned or thereafter to be acquired, and its franchises, in whole or in part, as they may deem necessary or expedient. Powers to deal in stocks, bonds and other securities.

Sec. 4. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon all lands or water for the purpose of exploring or surveying the lands required by said company for the location of any of its works, or for the conducting of the business, or any part of said business, hereinbefore authorized in paragraphs *a* and *b* and *c* of section three, and for locating said works, doing no unnecessary damage to private property; and when the location of said works shall have been determined and a survey of the same deposited in the office of the Clerk of the Superior Court of the county in which the said land lies, then it shall be Power of entry on lands for survey.

Power of condemnation of lands.

lawful for the said company by its officers, agents, engineers, superintendents, contractors and others in its employ to enter upon, take possession of, have, hold and use and excavate and fill any such lands, and to erect all the necessary and suitable structures for the erection, completion, repairing and operating of said works, subject to such compensation as is hereinafter provided:

Proviso: payment of damages to precede entry.

Provided, however, that said company shall not enter upon or break ground upon the premises, except for the purpose of surveying, without the consent of the owner, until such owner's damages are agreed upon between such owner and said company, or ascertained by the method hereinafter provided, and such damage has been paid to such owner; and, *Provided further*, that such

Proviso: power to change location.

locating of its works and filing its surveys in the office of the Clerk of the Superior Court shall not preclude said company from making from time to time other locations of works and filling surveys of the same as its business and its development require;

Procedure for condemnation of land and assessment of damages.

and whenever any land for the location of dams or of a canal or canals or for ponding water, or any other lands or rights-of-way may be required by said company for the purpose of constructing and operating its works, or for the conducting of the business herein authorized, or any part of said business, and the said company cannot agree with the said owner thereof for the purchase of the same, the same may be condemned and taken and appropriated by said company at a valuation of five commissioners, or a majority of them, appointed by the Clerk of the Superior Court of the county in which the land to be condemned lies. In making said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered. The said commissioners shall report their valuation of said land to the said clerk in writing within twenty days after receiving notice of their appointment, and shall file their report with said clerk within that time; and if the said owner or owners or the said company do not except to the valuation so reported within ten days after the filing of the report, the said clerk shall approve and confirm said report, and then, upon payment of such valuation and the costs of the proceedings, the said lands shall vest in and be and become the property of said company for the purpose hereinbefore expressed.

Appeals.

If either or both of the parties be dissatisfied with such valuation, then either or both parties may within ten days after the filing of said report file exceptions thereto, and, upon the determination of the same by the clerk, and upon notice to the other party within three days after such determination, may appeal to the Superior Court of the county in which the land lies, at the next ensuing term thereof; and upon the demand of either party the said valuation shall be determined by a jury trial. If no such demand is made, the judge may hear and determine the matter

upon exceptions filed, and either party shall have the right to appeal to the Supreme Court as in other cases from a judgment of the Superior Court. And when the said valuation has been thus ascertained and determined and paid, the said land shall vest in and be and become the property of the said company for the purposes hereinbefore expressed. In case any land so required shall be claimed by more than one person, then the amount of the valuation shall be deposited with the Clerk of the Superior Court of the county in which the land lies until the true owners of the land and the proper person to receive said money can be ascertained by an action or suit between such claimants: *Provided*, that upon application for the appointment of commissioners under this act, it shall be made to appear to the satisfaction of the Clerk of the Superior Court in which the land lies that at least ten days' notice had been previously given of the application to the owner or owners of the land so proposed to be condemned, or if the owner or owners be under disability, then to the guardian, if any, of such owner or owners, as well as to such owner or owners, or if the owner or owners, not under disability, or if the guardian of such owners as are under disability, cannot be found within the county, or the owner or owners is or are not known, then that such notice of such application had been published once a week for at least four weeks in some newspaper published in the county in which the application is made, or if there be no such newspaper in such county, then in some newspaper published in some county adjoining the county in which the land to be condemned lies, and by notice posted for twenty days at the court-house door of said county in which said land lies: and, *Provided further*, that the valuation provided for in this section shall be made upon the oaths of the commissioners aforesaid, which may be administered by any clerk of the court, justice of the peace or other person authorized by law to administer oaths: *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove or invade the burial ground of any individual without his or her consent. In case of any appeal to the Superior Court from the report of the commissioners by either the said company or the said owner or owners of the land to be condemned, then the said company shall deposit with the Clerk of the Superior Court of the county in which the said land lies the sum named as the valuation of said land by the commissioners and all cost of the proceeding up to the date of the appeal, and thereupon the said land shall vest in the said company for the purposes hereinbefore expressed; and when the valuation of said land shall be finally determined, as prescribed by this act, then the sum so deposited with the clerk, or so much thereof as may be necessary to pay to the land-owner or owners such valuation of said land, with such cost as he or they may recover, shall be

Money paid into court.

Proviso: notice of application for condemnation.

Proviso: valuation to be made under oath.

Proviso: limit on right of condemnation.

paid to such land-owner or owners, and any surplus shall be returned to said company. In case such deposit is not sufficient to pay off such valuation and costs, the court shall give judgment to said owner or owners for the amount of such deficiency, and such judgment shall be a lien on said lands, having priority over all other liens placed upon said land by said company or its assigns, and over any and all conveyances thereof made by said company.

Capital stock.

Sec. 5. That the capital stock of said company shall be one hundred thousand dollars, and may be increased from time to time, with the consent of a majority of the stockholders: *Provided*, the consent of the Secretary of State is obtained and fees required by law are paid him upon each and every increase, to any additional amount by the issue and sale of shares of common or preferred stock, or both, upon such terms and conditions and under such regulations as the board of directors, with the approval of the majority of the stockholders of said company, shall prescribe. That the par value of each share of stock shall be one hundred dollars; and the directors, with the consent and approval of a majority of the stockholders, may receive cash, labor, material, bonds, stock, contracts, real or personal property, in payment of subscription to the capital stock, and may make such subscription payable in such manner and amounts and at such times as may be agreed upon with the subscribers; and whenever one hundred shares shall have been subscribed, the subscribers, under the direction of the majority of the incorporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors and providing for the election of such other officers as may be necessary for the management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under this charter and the laws of this State. Every subscriber to or holder of stock of said company shall be liable for the debts of the said company to an amount equal to the amount unpaid on the stock subscribed for and held by him, and no more.

Proviso: increase of capital.

Payments for stocks.

Meeting for organization.

Liability of subscribers.

Votes of stockholders.

Sec. 6. Every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name on the books of the company, and shall be allowed to cast his vote either in person or by proxy duly authorized in accordance with the rules and regulations prescribed by the by-laws of the company. The stockholders of the company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper or expedient. Meetings of the stockholders and directors may be held at Asheville, in the county of Buncombe, where the principal office of the company shall be until the board of directors shall

By-laws, rules and regulations.

Meetings of stockholders and directors.

change the location of the principal office to some other town or point, and the said board of directors shall have the power, with the consent and approval of a majority of the stockholders of said company, to change the location of the principal office of said company from time to time. Change of location.

Sec. 7. The board of directors shall be elected from the stockholders of said company, and shall consist of such number as the stockholders shall prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting to be held on such days as the by-laws may direct, and shall continue in office for the term of one year from and after the date of its election and until its successors are elected and qualified; it shall choose one of its number president; and in case of death, resignation or incapacity of any member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term. Election of directors. Term of office. President.

Sec. 8. That a copy of any by-law or regulation of the said company, under its corporate seal, attested by its secretary and by the president, shall be received as *prima facie* evidence for and against the company in any judicial proceeding. Copies of by-laws received in evidence.

Sec. 9. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 512.

AN ACT TO ENLARGE THE POLICE POWER OF THE BOARD OF ALDERMEN OF THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the City of Statesville is hereby authorized and empowered to fix and determine by ordinance the rate of charges for the transmission of telephone messages and the rental of telephones within the corporate limits of the city of Statesville; that after such rates and rentals of telephone messages and telephones shall have been fixed and determined by the board of aldermen as aforesaid, any person, firm or corporation doing a telephone business who shall violate the provisions of the ordinances fixing the rates of telephone messages and the rentals of telephones shall, upon conviction thereof in the Mayor's Court, be fined fifty dollars and costs. Telephone rentals and rates for messages to be fixed. Violation of ordinance a misdemeanor. Punishment.

Sec. 2. That all laws in conflict with the provisions of this act, in so far as they apply to the city of Statesville, are hereby expressly repealed.

Sec. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 513.

AN ACT TO EXTEND THE INCORPORATE LIMITS OF THE TOWN OF WADESBORO, IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter twenty-six of the Private Laws of North Carolina of one thousand eight hundred and ninety-one be and the same hereby is repealed, and the following substituted therefor: "The corporate boundaries of the town of Wadesboro shall be a rectangle one by one and one-half miles in dimensions, extending one-half mile south, east and west, and one mile north from the center of the intersection of Wake and Green Streets, in said town."

Boundaries.

Sec. 2. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 514.

AN ACT TO ALLOW THE CITY OF HIGH POINT TO SUBSTITUTE BONDS BEARING 5 PER CENT. INTEREST PER ANNUM FOR BONDS OF SAID CITY WHICH BEAR 6 PER CENT. INTEREST PER ANNUM.

Preamble.

Whereas, an election was held in the city of High Point on the eleventh day of December, one thousand nine hundred and six, under the provisions of chapter two hundred and fifty-seven of the Private Laws of one thousand nine hundred and five, to vote on the question of issuing seventy-five thousand dollars of bonds as a subscription to the capital stock of the Carolina, Glenanna and Pee Dee Railway and Development Company or its successors, and a majority of the qualified voters of said city voted at said election for said issue of seventy-five thousand

Preamble.

dollars of bonds; and whereas, by the provisions of said chapter

two hundred and fifty-seven of the Acts of one thousand nine hundred and five, the rate of interest on said bonds is fixed at six per cent. per annum, payable annually; and whereas, an agreement was entered into by and between the Board of Aldermen of the City of High Point and the said Carolina, Glenanna and Pee Dee Railway and Devolopment Company, prior to the said election, that the city of High Point should have the right at any time within six months, being first authorized by the General Assembly of North Carolina so to do, to take up said bonds bearing six per cent. interest per annum and deliver in lieu thereof a like amount of bonds bearing five per cent. interest per annum, payable semi-annually, which said agreement was duly published as a part of the notice of said election: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the City of High Point is hereby granted the right, power and privilege at any time within six months from the passage of this act to take up said seventy-five thousand dollars of six per cent. bonds of said city of High Point, voted as aforesaid as a subscription to the capital stock of said Carolina, Glenanna and Pee Dee Railway and Development Company or its successors, and to deliver in lieu thereof, upon the terms as stipulated in the agreement between the Board of Aldermen of the City of High Point and the Carolina, Glenanna and Pee Dee Railway and Development Company above referred to, seventy-five thousand dollars of the bonds of said city of High Point, coupon in form, bearing interest at the rate of five per cent. per annum, said interest to be payable semi-annually, which said bonds shall bear date January first, one thousand nine hundred and seven, and shall be payable thirty (30) years after date, and said bonds shall be valid to all intents and purposes, and their issue shall be deemed to be a compliance with the requirements of said chapter two hundred and fifty-seven of the Private Laws of one thousand nine hundred and five, under which said election was held, and all acts and things heretofore done and performed in the calling and holding of said election are hereby ratified and confirmed. Bonds to be exchanged. Date of bonds. Maturity.

Sec. 2. That the Board of Aldermen of the City of High Point is hereby required and directed to levy and collect, at the same time as other taxes are levied and collected, a tax upon all taxable property and polls of the said city of High Point sufficient to pay the interest on said bonds as the same becomes due, and also on or before the time when the principal of said bonds becomes due to collect a sufficient tax to pay the same or to provide for the payment thereof, which said taxes so collected shall be used for no other purpose. Taxes to be levied and collected.

Authentication of bonds.

Sec. 3. That said bonds shall be signed by the Mayor of the City of High Point, attested by the clerk of said city, and the interest coupons thereunto attached may be evidenced by the lithographed signature of the city treasurer.

Sec. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 515.

AN ACT TO AUTHORIZE THE TOWN OF OLD FORT TO ISSUE BONDS FOR WATER-WORKS AND SEWERAGE.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. The Board of Aldermen of the Town of Old Fort, in the county of McDowell, is hereby authorized and empowered, in the name of the Town of Old Fort, to issue bonds, in such

Amount.

denominations and forms as it may determine, to an amount not to exceed twenty-five thousand dollars, payable at such time or times and at such place or places as the said board of aldermen

Maturity.

may prescribe: *Provided*, that the time of payment of said bonds

Bonds to be classified.

shall not be more than twenty years from their date; and the said board of aldermen may divide said bonds into classes as it may determine best, and have them mature at different convenient dates between the limits aforesaid.

Interest.

Sec. 2. That said bonds shall bear interest from their date at a rate not to exceed six per centum per annum, to be fixed by the said board of aldermen, which interest shall be payable annually or semi-annually, on such days as shall be fixed by said board; and said bonds shall not be hypothecated or otherwise

Authentication.

disposed of for less than their par value. The said bonds shall be signed by the mayor, attested by the secretary of said board of aldermen, and sealed with the corporate seal of said town of Old Fort, and shall have attached interest coupons, which

Record.

coupons may be received in payment of town taxes. That said bonds and coupons shall be numbered and a record kept of the

Exemption from town tax.

same. That the said bonds and coupons shall not be subject to taxation by the town of Old Fort, nor for any school in said

Sale of bonds.

town by the said town. The board of aldermen of the said town of Old Fort is hereby authorized to sell or cause to be sold the said bonds, or any number of them, at public or private

Disposition of proceeds.

sales, and all moneys arising from such sale or sales shall be

Treasurer liable on bonds.

paid over to the treasurer of said town, and the said treasurer and the sureties of his official bond shall be liable for said money to the same extent as for moneys belonging to said town

which come into his hands; and the board of aldermen may at any time require the bond of the treasurer to be increased so as to secure such amounts as may come into his hands from time to time: *Provided*, that the said treasurer shall not receive any compensation for the receipts of said moneys, and not exceeding one per centum for the disbursements of the same.

Proviso: compensation of treasurer.

Sec. 3. That the Mayor and Board of Aldermen of the Town of Old Fort, upon the issuing of said bonds, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or hereafter may be embraced in the subjects of taxation under the charter of the said town, observing at all times the constitutional equation between the poll and property, sufficient to meet the interest on said bonds as the same may accumulate, and pay the principal thereof when the same shall become due and payable; and such taxes shall be collected in like manner as the other taxes of said town, and paid into the hands of the treasurer thereof for such purposes.

Special tax for interest and bonds.

Collection and settlement of tax.

Sec. 4. That the moneys arising from the sale of the said bonds, when paid over to the treasurer as aforesaid, shall be kept separate by him, and shall be used for the following purposes: For improving the streets of the said town, for installing a system of water-works and sewerage for said town, or for any one or more of said objects the board of aldermen may select.

Moneys kept separate.

Appropriation of proceeds.

Sec. 5. That before any of the bonds herein provided for shall be issued or the taxes levied, the question of issuing and levying the same shall first be submitted to the qualified voters of said town, after thirty days' notice in some newspaper published in the county of McDowell and ten public places in said town, at an election to be held under the same rules and regulations as are now provided by law for the election of mayor and board of aldermen of said town. Such notice shall set forth the object or objects for which said bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied to pay the same. All qualified voters in favor of the issuing of such bonds and the levying the necessary taxes to pay the same shall vote a ticket on which shall be written or printed the words "For Bond Issue," and [those] disapproving the same shall deposit a like ballot on which shall be written or printed the words "Against Bond Issue." If, at such election, a majority of the qualified voters shall vote "For Bond Issue," then the said board of aldermen shall issue the bonds provided for in such notice, and shall levy and order the collection of the taxes therein named and authorized by this act. If a majority fail to vote "For Bond Issue," then the board of aldermen may again submit the question at such future time as it may elect, under the same rules and regulations as already prescribed.

Bond issue to be voted on.

Law governing election.

Notice of election.

Tickets.

Result of election.

Certificate and declaration of result.

Sec. 6. That the result of said election shall be certified by the officers holding the election to the board of aldermen of said town at such time as it may designate, and the board of aldermen of said town shall verify the same and declare the result and cause the same to be recorded in its minutes, and after thirty days after such recording in the said minutes such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein certified.

Responsibility of purchaser.

Sec. 7. That nothing in this act shall be construed so as to require the purchaser or purchasers of the said bonds to see that the purchase money paid for said bonds is applied to the purposes prescribed in this act.

Sec. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

CHAPTER 516.

AN ACT TO INCORPORATE THE TOWN OF CERRO GORDO, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Cerro Gordo, in the county of

Corporate name.

Columbus, be and the same is hereby incorporated under the name

Town officers.

and style of The Town of Cerro Gordo, and that J. W. Griffin, H. D. Williamson, I. L. Green, D. G. Nance and J. W. Williamson, the present commissioners of said town, and their successors in office shall be and are hereby declared a body corporate and politic, with their successors, during the corporate existence

Corporate name.

of the said town, and shall be styled the Commissioners of The

Corporate powers.

Town of Cerro Gordo, and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and acquire real and personal estate to the amount of twenty

Present officers continued.

thousand dollars. That C. E. Williamson, the present mayor of said town, and the commissioners aforesaid shall continue in office, and as such perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified, as hereinafter provided.

Corporate limits.

Sec. 2. That the corporate limits of the said town of Cerro Gordo shall be and are hereby declared to be included within and up to the following boundaries, to-wit: Beginning at a stake in Wolf Trap Branch, 290 yards south of the center of right-of-way of the Atlantic Coast Line Railway Company, and runs with said Wolf Trap Branch about north 750 yards to a stake; thence about east to the present northwest corner of said town line;

thence with said town line to the northeast corner of said town line; thence with present town line to the southeast corner of the said town line; thence about west to the beginning corner.

Town officers.

Sec. 3. The officers of said town shall consist of a mayor, five commissioners and a constable, to be elected by the qualified voters of said town annually on the first Monday in May.

Town elections.

Sec. 4. Said election of mayor, commissioners and constable shall be held at some place to be selected by said commissioners within the corporate limits of said town, and no person shall be entitled to vote at said election, or any other election held in said town for municipal purposes, unless he shall be a duly qualified voter and entitled to participate in the election of members of the General Assembly.

Qualification for voters.

Registrar and judges of election.

Sec. 5. It shall be the duty of the commissioners of said town on the first Monday in March in each year to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall within ten days thereafter be notified of their appointment by the constable of said town. The registrar so appointed shall immediately make publication at the post-office building and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such a manner that said book shall show an accurate list of electors previously registered and still residing in said town, without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted) for thirty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register whose names have never been registered in said town or do not appear on the revised list, but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein.

Registrar to make publication.

Registration book.

Duty of registrar.

Registration.

New registration.

Registrar and judges of election.

Sec. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four, of the Constitution of North Carolina, before some justice of the peace, notary public or Clerk of the Superior Court of Columbus County.

Challenge day.

Sec. 7. It shall be the duty of the registrar and judges of election to attend at the polling place in said town with the registration book on the Monday next preceding the day of election from the hour of nine o'clock A. M. until the hour of five o'clock P. M., when and where the said book shall be open to the inspection of the electors of said town, and any of the electors shall be allowed to object to the name of any person appearing in said

Day for hearing. book. In any case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to the word "challenge," and shall appoint a time and place, on or before the election day, when he, together with the said judges of election, shall hear and decide said objections, giving due notice to the voters so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that above specified.

Proviso: challenges on election day.

Names to be erased. If any person challenged or objected to shall be found not duly qualified as provided for in this chapter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Time for opening polls. Sec. 8. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of election held in said town, and shall open the polls at seven o'clock A. M. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and the votes for mayor, commissioners and constable counted by them. They shall keep poll books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the clerk and treasurer of said town, and said poll books shall, in any trial for illegal or fraudulent voting, be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancies, who shall be sworn by him, or some other officer qualified to administer oaths, before acting.

Time for closing.

Count of votes.

Poll books.

Poll books received in evidence.

Vote by ballot. Sec. 9. The voters shall vote by ballot, having the name of the mayor, commissioners and constable on one ballot, either in writing or printed on white paper, and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said facts to the town clerk and treasurer; and in case of a tie the judges of election shall determine by ballot who is elected.

Eligibility to office. Sec. 10. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

Officers-elect to be notified. Sec. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify in writing the mayor, commissioners and constable elect of their election.

Officers-elect to qualify. Sec. 12. The said officers shall within thirty days after having been notified by the town clerk and treasurer as aforesaid, before some justice of the peace, notary public or Clerk of the Superior Court of Columbus County, take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Forfeit for refusal to qualify. Sec. 13. That any person elected mayor or commissioner of

said town under the provisions of this charter refusing to qualify after having been notified, and act as such for one month after such election, shall forfeit and pay the sum of fifty dollars, one-half to the use of the person suing for the same and the other half to said town, to be applied by the commissioners of said town to the use and benefit thereof; said sum shall be recovered in an ordinary civil action before a justice of the peace of said county in the name of the State of North Carolina.

Quorum.

Sec. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.

Mayor to preside at meetings. Call meetings.

Sec. 15. That the mayor when present shall preside at all meetings of the commissioners; he shall also have power to call meetings when he may deem it necessary, and may vote only in case of a tie. In the absence of the mayor the said commissioners shall select one of their number to act as mayor *pro tempore*, who shall while acting as such have all the authority and power conveyed by this charter on the mayor of said town.

Mayor pro tem.

Commissioners to fill vacancies.

Sec. 16. If for any cause there should be a vacancy in the office of mayor or commissioner of said town, the board of commissioners thereof shall be and is hereby empowered to fill said vacancy, and its appointee shall hold office until the next regular election herein provided for.

Commissioners to fill vacancy.

Sec. 17. If for any cause there should be a vacancy in the office of constable of said town the board of commissioners thereof shall be and is hereby empowered to fill said vacancy, and its appointee shall hold office until the next regular election hereinbefore provided for.

Town clerk and treasurer.

Sec. 18. That said commissioners shall at the first meeting after their election or thereafter select some one as town clerk and treasurer, who shall be a duly qualified elector entitled to vote in said town, who shall hold office for one year or until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office he shall give a good and sufficient bond with sureties in a sum to be approved by the board of commissioners of said town, payable to the State of North Carolina, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town, and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town may require of the town clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he shall fail for thirty days after having been required to make such exhibit to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to

Duties of clerk and treasurer.

Bond.

Monthly statements.

Suits on bond.

declare the office vacant and to appoint his successor. All suits entered on the official bond of any of the officers of said town shall be in the name of the State of North Carolina, to the use of the Board of Commissioners of The Town of Cerro Gordo, against the said official and his sureties.

Term of constable.

Sec. 19. The constable of the aforesaid town shall hold his office for one year or until his successor is elected and qualified,

To give bond.

and before entering upon the discharge of his said office shall give bond with good and sufficient sureties, in a sum to be approved by the said board of commissioners, payable to the State of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable; upon his faithfully accounting for and paying over to the proper authority all money that may come into his hands as said constable; upon faithfully collecting and paying over all taxes levied by the said commissioners of said town, and in all other respects executing to the best of his ability, honestly and faithfully, all the duties imposed upon him by this charter or by the board of commissioners of said town.

By-laws, regulations and ordinances.

Sec. 20. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as the majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets and the preservation of the health of the same, and to make all such other and further police regulations as the interest, comfort and convenience of the citizens of said town may require.

Nuisances.

Sec. 21. The said commissioners of said town may pass laws and ordinances for abating and preventing nuisances of any kind therein.

Violation of town ordinance a misdemeanor. Punishment.

Sec. 22. Any person or persons violating any ordinances of said town shall be guilty of a misdemeanor, and shall be punished upon the conviction thereof before the mayor of said town by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

Fines worked out on streets.

Sec. 23. In all cases where an offender has been convicted before the mayor of said town for the violation of any of the ordinances thereof, and a fine has been imposed for such violation, the mayor of said town, at the time of entering judgment against such offender therefor, may order that on failure to pay such fine to the constable of said town, such offender so convicted shall by the Constable of The Town of Cerro Gordo be put to work on the streets of said town for a term to be fixed by the mayor, not exceeding thirty days, when he shall be discharged.

Jurisdiction of mayor.

Sec. 24. The mayor of said town shall have the power to hear and determine all charges and indictments against any person

or persons for the violation of the ordinances of the said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offenses committed within the corporate limits of said town.

Constable to execute process. Authority of constable.

Sec. 25. The constable of said town shall execute all process placed in his hands by the mayor, and shall have authority to preserve the peace in said town and within the corporate limits thereof; shall have the same authority in criminal matters, and be entitled to the same fees as the sheriff has in the county, and in the collection of taxes of said town, levied by the authorities thereof, shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this charter.

Fees.

Powers of commissioners as to streets.

Sec. 26. The commissioners of said town shall have power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make narrower, change, extend or discontinue any street or streets, or any part thereof within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purposes of this section, on making compensation as hereinafter provided to the owner or owners of said lands. It shall be the duty of the commissioners of said town to tender through their clerk and treasurer the amount they may think the owner of any land may be entitled to as damages for the opening out, changing or discontinuing any street or streets across his lands, and if such amount should not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order directed to the town constable commanding him to summon as jurors six citizens of said town, freeholders connected neither by consanguinity or affinity with the mayor or commissioners of said town or the person or persons over whose land said street proposed to be changed or discontinued runs, or over whose lands said proposed new street will run; said order shall direct the town constable to summon said jurors to meet on the lands over which the proposed street is to be laid out or changed or discontinued on a day not exceeding ten days from the day of summoning them, and the owner or owners of said land shall be notified by the constable of said town of the summoning of said jurors and the time and place of their meeting, and the purpose of meeting, for five days before the day when said jurors will meet to open and lay out any new street, or alter, change or discontinue any street already laid out. Said jurors, attended by the constable, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change,

Power to condemn land.

Tender of damages.

Arbitration of damages.

make narrower or widen such street or streets as the case may be, and shall assess the damages sustained by the owner or owners of such land; and in assessing the damages they shall consider the improvement to said land or lands caused by the opening, laying out, changing, making narrower or widening of said street or streets, and such estimated improvement shall be deducted from the damages assessed by them; and the said jurors shall under their hands and seals make a return of their proceeding to the mayor of said town, and the board of commissioners of said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to the mayor of said town, and [upon] the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer under the order and direction of the commissioners of said town of the amount of damages so assessed, said new street or streets so laid out, altered, changed, made narrower or wider, shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

Sidewalks.

Sec. 27. The said commissioners shall have power to construct and repair sidewalks on any of the streets of said town.

Market.

Sec. 28. The commissioners of said town may establish a market and regulate the same, and prescribe at what place in the corporation shall be sold marketable things, and in what manner, whether by weight or measure.

Public scales.

Sec. 29. They may erect at some suitable place within said corporation public scales for the purposes of weighing fodder, hay, oats or rye in straw, cotton, crude turpentine and live-stock on foot offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fee and determine by whom he shall be paid, and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher.

Weigher and fees.

Quarantine.

Sec. 30. The commissioners of said town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary, to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.

Taxing power.

Sec. 31. The board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies and all other personal property, and on the taxable polls within the limits of said town: *Provided, however*, that the taxes levied by them

Proviso: tax limit.

shall not exceed forty cents on the one hundred dollars valuation on all real and personal property, and one dollar on each taxable poll, and the valuation on all property within said town or taxed by said town commissioners shall be the same as that at which it is assessed for taxation for State and county purposes. Valuation of property.

Sec. 32. That all taxes levied by said town commissioners, except license or privilege taxes, shall be due and payable on the first day of October of each year to the constable of said town, and after that time may be collected by him by distraining any personal property of the tax-payer to be found within said town. Taxes due and payable. Collection by distress.

Sec. 33. On the first Monday in June in each and every year, the said town clerk and treasurer shall, by advertisement at the post-office door and four other public places in said town, notify all persons within said town liable to taxation to come forward and make return of their tax lists to him within thirty days from the publication of said notice. All persons within said town and liable to taxation shall make return of all their taxable property to said town clerk under oath, and he is hereby authorized and empowered to administer to such tax-payers an oath that they will well and truly return all property owned by them within said town and liable to taxation under the provisions of the charter; said list so returned shall state the age of the tax-payer and all property, real or personal, liable to taxation owned by him, with an accurate description of all real property owned by him when he is required by law to return the same to the list-taker of Fair Bluff Township, to be assessed for taxation for State and county purposes. Advertisement for returns of taxables. Returns under oath. List to contain.

Sec. 34. All persons owning any property within said town, liable to taxation for town purposes, shall return the same to the town clerk, as provided in section thirty-three of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons *non compos mentis* shall be returned as herein provided by their guardian or guardians, if they shall have any such. Property owners to make returns. Persons under disability.

Sec. 35. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the constable for the satisfaction of the taxes due on all property so returned by them, and the constable of said town is hereby authorized, at any time after the taxes may be due the town on said property as aforesaid, to distrain any personal property of such guardians, executors, administrators or trustees to be found in said town. Property held by fiduciaries.

Sec. 36. The town clerk and treasurer of said town shall make out a full and complete list of all taxable property in said town so returned to him, and the taxable polls in said town; and if any Clerk and treasurer to make out tax lists.

person or persons in said town liable to taxation shall fail to make return to the clerk as herein provided for for thirty days after the first Monday in July in each year, the town clerk shall make return of the taxable property of such person or persons so failing to make return of their property and polls, [who] shall be liable to double property and poll tax, to be collected as other property and poll taxes. The town clerk of the said town shall complete the tax list and place it or a certified copy thereof in the hands of the constable of said town on the third Monday of August of each year. Such tax list or a copy thereof, certified by the town clerk, when placed in the hands of the town constable, shall have the force and effect of any execution.

Double tax for failure to make returns.

Tax list delivered to constable.

To have force and effect of execution.

Lien of taxes to attach.

Sec. 37. The lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August of each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable to taxation of tax-payers within the town shall be liable to be seized and sold, after ten days' notice at the post-office and four other public places in said town, in satisfaction of taxes by the town constable after said taxes shall have become due and payable.

Seizure and sale of personal property.

Collection by distress.

Sec. 38. Whenever the taxes due said town shall be due and unpaid, the constable of said town shall immediately proceed to collect them as follows: First, if the party charged or his agent have personal property in said town equal in value to the taxes charged against him, the constable shall seize and sell the same under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the constable of said town shall levy upon said lands of the delinquent to be found within the town; the levy shall contain an accurate description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the constable returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy; third, the constable shall notify the delinquent of such levy and of the day and place of sale by service of a notice, stating these particulars, on him personally if he be a resident of said town; if the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed post-paid to such delinquent; if the residence of the delinquent cannot with reasonable diligence be ascertained, the constable shall post a notice, substantially as above described, at the post-office door and four other public places in said town at least thirty days before the sale of the land, and

Sale of personal property.

Levy upon real estate.

Constable to notify delinquents.

this last mentioned notice shall be posted as in all cases of sales of land for taxes in said town; fourth, the sale shall be made at the post-office door in said town, and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as are sales under execution; if the delinquent resides out of said town, and his address be known to the constable, the constable shall within one month after the sale mail to him notice of the sale and date thereof, of the name and address of the purchaser, the sum bid and amount of the taxes and cost to be paid by such delinquent as a condition of its redemption.

Sale of real estate.

Notice to delinquent.

Sec. 39. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of the taxes with all the expenses for the smallest part of the land. That at all such sales the mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will pay the taxes and costs for a less quantity.

Method of sale.

Sec. 40. The delinquent may retain possession of the property for twelve months after sale [and] within that time redeem it by paying [to the purchaser] the amount paid by him and twenty-five per cent. in addition thereto. At the time of said payment to the purchaser, he shall give to the delinquent a receipt therefor. If he shall refuse, or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer, and he shall give him a receipt therefor, and such payment shall be equivalent to payment to the purchaser. After payment to the purchaser or town clerk all rights under the purchase shall cease.

Time for redemption.

Sec. 41. At the time of such purchase of real estate for taxes the town constable, on receipt of the amount bid for such real estate, shall give the purchaser a receipt stating the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due.

Receipt to purchaser.

Sec. 42. If the delinquent, his agent or attorney, shall fail to redeem, as provided in section forty hereof, for twelve months, at the end of that time the purchaser may present his receipt referred to in section forty-one hereof, and the constable of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to heirs at law or assigns, for the land for which said purchaser agreed [to pay] the amount called for in the receipt, and for said service the constable shall be allowed one dollar, to be paid by the purchaser. The deed from the constable to the purchaser shall be registered in the register's office of Columbus County within six months from the time of execution and delivery thereof, and where (when) so registered shall convey to the grantee all the estate in the land for which the said pur-

Deeds for property unredeemed.

chaser bid, which delinquent, his agent or attorney had at the time of sale for taxes.

Real estate bid in by town.

Sec. 43. All real estate bid in by the mayor of said town for the use of the town at sales made by the constable for taxes may be redeemed as hereinbefore provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum additional to the town clerk and treasurer within twelve months.

Privilege taxes.

Sec. 44. The commissioners of said town shall have the power to annually levy and cause to be collected for the necessary expenses of said town such privilege taxes as shall seem to them fair and equitable on every stallion (or) jackass kept or exhibited in said town; on all itinerant traders, peddlers or bankers; on all and every person or persons, company or companies who may exhibit, sing, play, act or perform, or anything for which they charge or receive any gratuity, fee or pay or reward whatsoever; on every itinerant physician, dentist, druggist, artisan, merchant, daguerrean or photograph artist or other picture taker within the limits of said town; and the commissioners of said town shall prescribe the license tax provided for and when it shall be due and payable.

Fines to use of town.

Sec. 45. That all fines collected for the violation of any ordinance of said town shall be paid into the town treasury for the benefit of the town.

Compensation of officers.

Sec. 46. That the officers of said town shall receive such compensation as the commissioners of said town in their discretion shall authorize.

Street commissioners.

Sec. 47. That said commissioners may appoint one or more street commissioners for working the streets of the town, with such authority and compensation as the said commissioners shall see fit and proper.

Policemen.

Sec. 48. That said commissioners are authorized and empowered in their discretion to appoint policemen for the better government of said town.

Ordinances to be posted.

Sec. 49. That it shall be the duty of said town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the post-office and four other public places in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

Sale of liquors forbidden.

Sec. 50. That it shall be unlawful for any person, firm or corporation to manufacture, sell or deliver for gain any spirituous, vinous, malt liquors, fermented or other intoxicating liquors within the corporate limits of said town.

Misdemeanor.

Sec. 51. That any person, firm or corporation violating any of the provisions of section fifty of this act shall be guilty of a mis-

demeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. Punishment.

Sec. 52. That all laws heretofore passed for the better government and regulation of the said town of Cerro Gordo be and the same are hereby repealed.

Sec. 53. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1907.

STATE OF NORTH CAROLINA,

Office of Secretary of State,

Raleigh, June 29, 1907.

I, J. Bryan Grimes, Secretary of State, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.

J. Bryan Grimes,
Secretary of State.

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